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INTERGOVERNMENTAL NEGOTIATING
COMMITTEE FOR A FRAMEWORK
CONVENTION ON CLIMATE CHANGE
Fifth session, First part
New York, 18-28 February 1992

REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE ON THE WORK OF THE FIRST PART OF ITS FIFTH SESSION, HELD AT NEW YORK FROM 18 TO 28 FEBRUARY 1992

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I. INTRODUCTION

1. The first part of the fifth session 1/ of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change was held in New York from 18 to 28 February 1992. The meeting was convened in pursuance of General Assembly resolutions 45/212 of 21 December 1990 and 46/169 of 19 December 1991, entitled "Protection of global climate for present and future generations of mankind", further to resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989.*

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* For the reports of the first to fourth sessions, see A/AC.237/6 and Corr.1, A/AC.237/9 and A/AC.237/12 and Corr.1, and A/AC.237/15 and Corr.1. The Bureau of the Committee elected at the first session consists of:

Chairman: M. Jean Ripert (France)

Vice-Chairmen: Mr. Chandrashekhar Dasgupta (India)
Mr. Ahmed Djoghlaf (Algeria)
Mr. Ion Draghici (Romania)
Mr. Raul Estrada-Oyuela (Argentina)

Rapporteur: Mr. Ion Draghici (Romania)

The Bureaux of Working Groups I and II elected at the second session consist of:

Working Group I

Co-Chairmen: Mr. Nobutoshi Akao (Japan)
Mr. Edmundo de Alba-Alcaraz (Mexico)

Vice-Chairman: Mr. Mohamed Mahmoud Ould El Ghaouth (Mauritania)

Working Group II

Co-Chairmen: Ms. Elizabeth Dowdeswell (Canada)
Mr. Robert F. Van Lierop (Vanuatu)

Vice-Chairman: Mr. Maciej Sadowski (Poland)

1/ The second part of the fifth session will be held from 30 April to 8 May 1992 in New York, subject to approval by the competent bodies.

II. ORGANIZATIONAL MATTERS

A. Opening of the session

2. In opening the fifth session, the Chairman, Mr. Jean Ripert, stressed the short time remaining and the need to instil greater urgency and focus in the negotiating process. He underlined the complexity of the task, the high stakes involved and the need for political vision. He suggested that a framework convention should be neither too general nor too detailed. He noted the key issues facing the Committee and, in particular, commitments of developed countries on emissions and sinks; commitments of all countries to adopt national strategies and exchange information; commitments to provide financial resources and technology to developing countries; a process of submitting and analysing national reports; and effective institutions to ensure implementation of a convention.

B. Attendance

3. The first part of the session was attended by representatives of the following States:

Algeria
Angola
Antigua and Barbuda
Argentina
Australia
Austria
Bahamas
Bangladesh
Barbados
Belarus
Belgium
Belize
Benin
Bhutan
Bolivia
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Burundi
Cambodia
Cameroon
Canada
Cape Verde
Central African Republic
Chad
Chile
China
Colombia
Comoros
Congo
Cook Islands
Costa Rica
Côte d'Ivoire
Cuba
Cyprus
Czechoslovakia
Democratic People's Republic of Korea
Denmark
Djibouti
Dominican Republic
Ecuador
Egypt
Equatorial Guinea
Ethiopia
Fiji
Finland
France
Gabon
Gambia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea
Guinea-Bissau
Guyana
Haiti
Holy See
Honduras
Hungary
India
Indonesia
Iran (Islamic Republic of)
Iraq
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kenya
Kiribati
Kuwait
Lao People's Democratic Republic
Lesotho

Liberia
Libyan Arab Jamahiriya
Luxembourg
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Marshall Islands
Mauritania
Mauritius
Mexico
Micronesia (Federated States of)
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nauru
Nepal
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Panama
Papua New Guinea
Peru
Philippines
Poland
Portugal
Republic of Korea
Romania
Russian Federation
Rwanda
Saint Lucia
Samoa
Sao Tome and Principe
Saudi Arabia
Senegal
Seychelles
Sierra Leone
Singapore
Solomon Islands
Spain
Sri Lanka
Sudan
Suriname
Swaziland
Sweden
Switzerland
Thailand
Togo
Tonga
Trinidad and Tobago
Tunisia
Turkey
Tuvalu
Uganda
Ukraine
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Uruguay
Vanuatu
Venezuela
Viet Nam
Yugoslavia
Zaire
Zambia
Zimbabwe

4. The following United Nations offices and programmes were represented at the first part of the session: Office of the Director-General for Development and International Economic Cooperation; United Nations Environment Programme; United Nations Development Programme; United Nations Centre for Human Settlements; United Nations Conference on Environment and Development.

5. The following specialized agencies and other organizations of the United Nations system were represented at the first part of the session: Food and Agriculture Organization of the United Nations; World Bank; World Meteorological Organization; International Maritime Organization; United Nations Industrial Development Organization.

6. The following intergovernmental organizations were also represented at the first part of the session: Asian-African Legal Consultative Committee; Caribbean Meteorological Organization; European Economic Community; Organization of the Islamic Conference; Organisation for Economic Cooperation and Development; Organization of the Petroleum Exporting Countries; South Pacific Environment Programme.

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented:

Category I: International Chamber of Commerce

Category II: Greenpeace International; International Council of Scientific Unions; International Petroleum Industry Environmental Conservation Association; World Coal Institute; World Council of Churches; World Resources Institute.

Roster: Friends of the Earth-International; International Organization of Motor Vehicle Manufacturers; National Audubon Society; Natural Resources Defense Council; Sierra Club.

8. The following other non-governmental organizations were also represented: Alliance for Responsible CFC Policy; Alliance to Save Energy; American Bar Association; American Gas Association; American Iron & Steel Institute; American Mining Congress; American Petroleum Institute; Ancient Forest International; Association of American Railroads; Australian Conservation Foundation; Canadian Electrical Association; Center for Clean Air Policy; Center for the Environment, Cornell University; Centre for Global Change; Center for International Environmental Law; Chemical Manufacturers Association; Climate Action Network; Climate Council; Climate Institute; Coal Association of Canada; Earth Regeneration Society; Edison Electric Institute; Electricity Consumers Resource Council; Environmental Defense Fund; Environmental Development Action in the Third World; Environmental and Energy Study Institute; Federation of Electric Power Companies, Japan; Global Climate Coalition; Global Commons Institute; Global Coral Reef Alliance; Global Security Programme; Harvard Global Environmental Policy Program; National Association of Manufacturers; National Coal Association; National Rural Electric Cooperative Association; Stockholm Environment Institute; Tata Energy Research Institute; Union of Concerned Scientists; U.S. Citizens Network on UNCED; United States Chamber of Commerce; United States Council for International Business; Woods Hole Research Center; World Wide Fund for Nature (WWF - International; World Wildlife Fund (WWF - USA).

C. Adoption of the agenda

9. At its 1st plenary meeting, on 18 February 1992, the Committee adopted the following agenda (A/AC.237/16):

1. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of work;

   (c) Future work:

      (i) Calendar;

(ii) Arrangements for adoption of a framework convention;

(iii) Report to UNCED by the Chairman, on behalf of the Committee;

(d) Questions for consideration at the resumed fifth session.

2. Consideration of scientific advice from IPCC.

3. Completion of a framework convention on climate change.

4. Review of extrabudgetary funds:

(a) Special voluntary fund to support the participation of developing countries;

(b) Trust fund for the negotiating process.

5. Adoption of the report.

D. Documentation

10. At the 1st plenary meeting, the documents before the Committee at the start of its fifth session were introduced by the Executive Secretary. They are listed in annex I to the present report.

E. Organization of work

11. After discussion in an informal meeting of plenary on 18 February, the Committee concurred with the following proposals of the Chairman for the organization of work at the first part of the session:

(a) The objective of the session should be to produce a clean text, with only a few brackets indicating major political choices still to be made. Major substantive differences should be reduced to essentials, clearing the way for political intervention.

(b) The two Working Groups should be allowed to continue their work, but with clear directives from Plenary as to their timetables and priorities. The initial choice of topics from the core working document for the Working Groups was as follows:

(i) Working Group I would focus on Commitments (sections IV and V), leaving Preamble, Principles and Objective (sections I and III) until later in the session.

(ii) Working Group II would focus on Institutional Arrangements and Reporting (sections VI and VII.1 of the Consolidated Working Document), leaving until later the legal provisions from section VII.2 onwards, including dispute resolution.

(c) In dealing with specific commitments in relation to finance and technology, Working Group I should limit its consideration to section IV.2.2, paragraph (a) and section IV.2.3, paragraphs (a), (c) and (d). The other paragraphs in these sections, dealing with a funding mechanism and institutional functions, should be taken in hand by Working Group II. These are section IV.2.2, paragraphs (b) and (c) and section IV.2.3, paragraph (b).

(d) Working Group I should draw on the material in section V of the Consolidated Working Document, in formulating general commitments relating to science, research, information and education. Subsequently, Working Group II could review what is left of its original texts in section V. If there remains some useful language relating to mechanisms, Working Group II could consider integrating this language in the appropriate annex or annexes.

(e) While maintaining full control of the process within their Working Groups and ensuring transparency, the Co-Chairmen of both Groups should promote consultations among interested delegations on specific portions of the consolidated text. The purpose of these consultations would be to refine formulations so as to clarify both their meaning and the choices to be made and to propose these formulations to the Working Group as a whole.

(f) For its part, the Committee as a whole would need to address the question of the scope of the Convention and determine its overall design.

(g) The Vice-Chairman of Working Group II, Mr. Maciej Sadowski, should conduct informal consultations with legal and scientific experts from delegations on the definitions to be included in the convention. Mr. Sadowski should report back to Working Group II on the outcome of these consultations.

(h) The Vice-Chairman of the Committee who acts as Rapporteur, Mr. Ion Draghici, should conduct informal consultations with legal experts from delegations representing the six linguistic groups to check the conformity of the six language texts of the consolidated working document. Mr. Draghici should report back to Plenary on the outcome of his consultations.

(i) The Committee and the Working Groups should maintain the practice of holding open meetings, unless otherwise decided.

12. At its 2nd and 3rd plenary meetings, on 20 and 24 February, the Committee took note of the progress achieved in the Working Groups as reported by their Co-Chairmen. At its 3rd meeting, the Committee requested the Working Groups to complete their work by the end of Thursday afternoon, 27 February.

F. Future work

(i) Calendar

13. At its 3rd plenary meeting, on 24 February, the Committee considered the calendar of its future work. At its fourth plenary meeting, on 28 February, the Committee decided to hold the second part of its fifth session from 30 April to 8 May in New York, subject to approval by the competent bodies of the extension of its duration beyond five working days.

(ii) Arrangements for the adoption of a framework convention

14. On the basis of advice from the Office of Legal Affairs, the Chairman advised the Committee that, in adopting a convention, the Committee should follow its rules of procedure on decision-making (see A/AC.237/5). As the Committee was established by the General Assembly, representatives of States participating therein were not required to submit credentials; nor was there a requirement that a convention be placed before or adopted by a conference of plenipotentiaries. Furthermore, it was not normal practice for the General Assembly or a body established by it to adopt a final act at the time of the adoption of a convention. The report of the Committee would contain all the necessary information concerning the adoption of the convention which would normally appear in any final act.

15. The Chairman reminded delegations that full powers would be required to sign the convention when it was opened for signature during UNCED.

(iii) Report to UNCED by the Chairman, on behalf of the Committee

16. In paragraph 18 of its resolution 45/212, the General Assembly requested that the Chairman of INC, on behalf of the Committee, submit a report to UNCED on the outcome of the negotiations, as well as on possible future steps in the field of climate change. The Chairman noted that this matter would be taken up at the resumed fifth session.

G. Questions for consideration at the second part of the fifth session

17. At its 4th plenary meeting, on 28 February, the Committee noted that the following items from its agenda would remain open for the second part of the session:

1. Organizational matters:

   (b) Organization of work;

   (c) Future work:

      (iii) Report to UNCED by the Chairman, on behalf of the Committee.

3. Completion of a framework convention on climate change.

4. Review of extrabudgetary funds:

   (a) Special voluntary fund to support the participation of developing countries;

   (b) Trust fund for the negotiating process.

5. Adoption of the report.

III. CONSIDERATION OF ADVICE FROM IPCC

18. At its 2nd plenary meeting, on 20 February, the Committee heard a statement from Professor Bert Bolin, Chairman of the Intergovernmental Panel on Climate Change (IPCC) regarding the 1992 IPCC Supplement which had been completed during the 7th plenary session of IPCC, held at Geneva from 10 to 12 February 1992. He noted that the Supplement should be considered against the background of the IPCC First Assessment Report (1990).

19. Professor Bolin stated that the 1992 IPCC findings confirmed that (a) the emissions resulting from human activities continued to increase substantially the concentrations of greenhouse gases in the atmosphere, (b) the sensitivity of global mean surface temperature to a doubling of carbon dioxide was unlikely to lie outside the range 1.5 to 4.5 deg. C as given in the 1990 Report and (c) a rate of increase of global mean temperature during the next century of about 0.3 deg. C per decade (with an uncertainty range of 0.2 to 0.5 deg. C per decade) was expected under the 1990 IPCC Scenario A (Business-as-Usual) emissions of greenhouse gases.

20. He noted that two factors that were referred to in the 1990 Report were considered quantitatively in the Supplement: (a) the depletion of ozone in the lower stratosphere due to the presence of CFCs may have approximately offset the radiative forcing contributed by the CFCs, at least in the high and middle latitudes, and (b) cooling due to aerosols formed from anthropogenic sulphur emissions may have offset a significant part (up to about 40 per cent) of the greenhouse warming in the northern hemisphere during the past several decades.

21. Professor Bolin also noted the interdependence of the environmental questions of stratospheric ozone depletion, acidification of precipitation, soils and lakes (caused in part by emissions of sulphur dioxide) and global warming. He suggested that these major environmental issues should be considered simultaneously. He reminded the Committee that the complexity of the climate system was such that surprises could not be ruled out.

22. With regard to the impacts of climate change, Professor Bolin noted that the assessment continued to be uncertain. The Supplement in general confirmed the 1990 IPCC findings regarding impacts.

23. Professor Bolin concluded by saying that the 1992 IPCC Supplement represented a further step towards organizing relevant information on the climate change issue. The aim had been to serve countries in their attempts to address that major global environmental concern and to establish an important and reliable source of information for the ongoing negotiations.

24. He further noted that after the 1992 IPCC Supplement was completed, IPCC had expressed its readiness to continue to serve the need for further scientific/technical assessments following agreement on the framework convention. The ongoing discussions within IPCC on a better structure for itself were aimed at strengthening the scientific/technical character of IPCC and gave a more balanced national representation in its key functions.

25. Representatives of eight delegations made statements and the Chairman of IPCC replied to questions.

26. The Chairman, on behalf of the Committee, expressed his thanks to Professor Bolin for his informative presentation of the IPCC Supplement, which he remarked had been produced in a short time. He noted that the Supplement should assist Governments in their efforts towards realizing a framework convention.

IV. REVIEW OF EXTRABUDGETARY FUNDS

27. At the 3rd plenary meeting, on 24 February, the Executive Secretary introduced document A/AC.237/17, entitled "Review of extrabudgetary funds".

A. Special Voluntary Fund to support the participation of developing countries

28. The Executive Secretary noted that the usual arrangements had been made for supporting participation of developing countries in the current session, with the help of UNDP and UNCTAD. One hundred and fifteen delegations of developing countries were participating, of which an estimated 87 had been supported by the Special Voluntary Fund.

29. Statements were made by seven delegations and by the representative of the European Economic Community confirming or announcing new pledges to the Special Voluntary Fund, totalling about US$ 500,000. The Executive Secretary expressed appreciation for these pledges and stated that this sum, once paid, would enable the Fund to support the participation of developing countries in the resumed fifth session. He noted that, unless advised to the contrary, that session would be the last meeting for which the Fund would be used.

30. Two delegations of developing countries expressed thanks to contributors to the Special Voluntary Fund; one of these delegations urged the Executive Secretary to continue his efforts to support participation by small-island developing countries. The Executive Secretary informed the Committee of the

support being given from the Fund and from other sources for participation by such countries.

B. Trust Fund for the negotiating process

31. The Executive Secretary thanked contributors to the Trust Fund. He observed that these supplementary resources would enable the INC secretariat to ensure full servicing of a resumed fifth session in New York and to provide a minimum presence at the United Nations Conference on Environment and Development in Rio de Janeiro.

32. In response to a question, the Executive Secretary confirmed that bilateral funding was provided for staff costs covering three members of the INC secretariat.

* * *

33. The Chairman concluded by thanking all contributors to both funds and expressing satisfaction that foreseeable needs had been met.

V. COMPLETION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

A. Report on Working Group I: Commitments

34. At its 1st plenary meeting, on 18 February, the Committee gave Working Group I initial guidance as to its timetables and priorities (see para. 11 above). The Working Group used as a basis for its discussions the Consolidated Working Document annexed to the report of the fourth session of the Committee (A/AC.237/15 and Corr.1) and other related documents.

35. The Working Group held 17 meetings and 5 informal meetings, from 18 to 27 February, and discussed the following topics:

Principles, Objective and Commitments.

36. The Working Group transmitted to the Plenary relevant texts for integration into a "Revised Text under Negotiation".

B. Report on Working Group II: Mechanisms

37. At its 1st plenary meeting, on 18 February, the Committee gave Working Group II initial guidance as to its timetables and priorities (see para. 11 above). The Working Group used as a basis for its discussions the Consolidated Working Document annexed to the report of the fourth session of the Committee (A/AC.237/15 and Corr.1) and other related documents.

38. The Working Group held 16 meetings and 1 informal meeting, from 18 to 27 February, and discussed the following topics:

Cooperation on Science, Research, Information and Education;

Institutional arrangements;

Procedures;

Final Clauses.

39. At its 15th meeting, on 27 February, Working Group II heard an oral report by its Vice-Chairman, Mr. Maciej Sadowski, on the results of the informal consultations he held with legal and scientific experts from delegations on the definitions to be included in a convention.

40. The Working Group transmitted to the Plenary relevant texts for integration into a "Revised Text under Negotiation".

C. Consideration in Plenary

41. At the 2nd and 3rd plenary meetings, on 20 and 24 February, the Co-Chairmen of Working Groups I and II reported on the progress made in their respective Working Groups. At the 3rd plenary meeting, the Chairman made a statement giving an interim assessment of progress made at the session. The Committee also heard a statement delivered on behalf of the Group of 77 and China.

42. At its 3rd plenary meeting, the Committee heard a statement delivered on behalf of a number of non-governmental organizations representing international business. At its 4th plenary meeting, on 28 February, the Committee heard a statement delivered on behalf of a number of environmental non-governmental organizations.

43. At the same meeting, the Vice-Chairman of the Committee, who serves as Rapporteur, reported on his informal consultations with delegations representing the six language groups to check the conformity of the six language texts of the consolidated working document.

44. Also at the 4th plenary meeting, the respective Co-Chairmen of Working Groups I and II presented oral reports to the Committee giving their own impressions on the work accomplished during the session. Dr. E. de Alba, Co-Chairman of Working Group I, speaking on behalf of Mr. Akao and himself, and Mr. R. van Lierop, Co-Chairman of Working Group II, speaking on behalf of Ms. E. Dowdeswell and himself, both drew attention to the time constraints before the Committee in order to have an effective framework convention ready for signature by June of the current year. The Co-Chairmen commented on the usefulness of the informal, open-ended consultations among delegations at the session and praised the continuing support of the secretariat. They agreed that progress had been made at the current session, but emphasized that much remained to be done. The main points of both oral reports are summarized below.

1. Oral report on Working Group I: Summary

45. The Co-Chairman stated that during the discussions in Working Group I priority was given to the section on Commitments. The provisions relating to the stabilization of emissions, financial resources and transfer of technology received special attention. There were also discussions on the Objective and Principles but not on the Preamble.

46. Various parts of the text submitted to the Plenary reflected different intensities of treatment. The wording of the second paragraph of the Objective was slightly modified. In the section on Principles, 7 out of the 11 paragraphs set out in annex II of document A/AC.237/15 were analysed and in some cases revised. The question whether to retain a section on Principles in the Convention had yet to be decided.

47. Attention was drawn to the fact that the Working Group as a whole had not been able to discuss all of the revised paragraphs on Principles and Commitments presented as the outcome of informal consultations. As a result, all new provisions that had not been fully discussed would be marked in the Revised Text to be annexed to the report of the first part of the fifth session of the Committee. It was noted that the Co-Chairmen in preparing the Revised Text would take into consideration comments made by delegations at the closing plenary meeting.

48. In conclusion, the Co-Chairman summarized the session as one in which progress had been slow, but which had produced a text that was better focused on the subject-matter still to be negotiated.

2. Oral report on Working Group II: Summary

49. The Co-Chairman reported that specific text had been negotiated in Working Group II on the following topics: Cooperation on Science, Research, Information and Education; Institutional Arrangements; Procedures; and Final Clauses, and on certain annexes. Owing to time constraints, not all subjects were discussed or negotiated as extensively as might have been wished.

50. He stated that substantial areas of disagreement remained and pointed out that it was hoped that the work accomplished thus far would enable Governments to come prepared, at the second part of the fifth session, to make the necessary compromises to fulfil the goal of having an effective framework convention ready for signature by June of this year.

51. The Co-Chairman indicated that specific progress had been made on Science, Research and Information Exchange, Conference of the Parties, the Secretariat and the Final Clauses. However, he emphasized that the question whether the Convention should establish an Executive Body or an Implementation Committee still remained. In that regard, he stated that progress had also been made in identifying the type of functions that could be assigned by the Conference of the Parties to such a body. In addition, the status of the text on the Science Committee remained unresolved.

52. The Co-Chairman continued by outlining the two distinct proposals on the Resolution of Questions and the Settlement of Disputes stating that these texts could provide the Convention with procedures to address questions of interpretation and application on a friendly and non-adversarial basis as well as with procedures of a more traditional nature.

53. He informed the Plenary of the status of texts on Insurance, Reporting and its Annex, and the Annex on Science. The Plenary was also informed of the deletion of the Annex on Exchange of Information. He stressed that the various texts concerning the Financial Mechanism would need to be dealt with at the second part of the session.

54. The Co-Chairman reported on the informal consultations on definitions chaired by Mr. M. Sadowski, Vice-Chairman of Working Group II. These consultations produced two sets of definitions, the first consisting of technical-scientific terms and the second consisting of only one term: "Regional Economic Integration Organization". The second group of definitions would have to be reviewed in light of the Committee's discussion at the second part of the session on categories of countries. The Co-Chairman informed the Plenary that the Working Group had decided that the entire Article on Definitions would be placed in square brackets pending a decision on whether and how the terms included in the list were to be used in the body of the Convention. The Co-Chairman also noted that IPCC had been requested to comment on the present list of definitions.

55. He concluded by stating that there remained significant areas in which much progress would need to be made and reminded the Plenary that although the work of Working Group II was linked to the progress made in the work of Working Group I more could be agreed to on mechanisms in order not to unnecessarily delay the work of the Committee.

3. Conclusion

56. At its 4th plenary meeting, on 28 February 1992, the Committee noted the submission by the Executive Secretary of the "Revised Text under negotiation", which had been prepared by the secretariat under the guidance of the Chairman of the Committee and the Co-Chairmen of the Working Groups. This Revised Text was indicative of the state of negotiation in the two Working Groups and was intended to facilitate the completion of work on the framework convention. The Committee also noted that an edited version of the Revised Text would be published subsequently as an annex to the report of the Committee on the work of the first part of the fifth session (see annex II).

57. At the same meeting, the Chairman made a statement summing up the work of the session and making proposals for the organization of work on the completion of the framework convention. He expressed satisfaction on balance with the progress achieved in refining formulations and clarifying positions, as well as concern that all the core issues remained to be resolved when the negotiations resumed for the last time. He expressed the conviction that, if Governments showed political vision and pragmatism, the Committee could adopt

an effective framework convention which would be opened for signature at the United Nations Conference on Environment and Development. That was the mandate given by the General Assembly, which the Committee must strive to fulfil.

58. The Chairman proposed that, unless there was any objection, the Executive Secretary should carry out a technical review of the Revised Text. On the basis of that review, the Chairman might make proposals to the Committee, when it resumes its work, concerning ways of resolving secondary questions.

59. The Chairman emphasized the debt of gratitude owed to the Co-Chairmen and Vice-Chairmen of the two Working Groups and to all who had participated in their work. He expressed the view that the potential of the Working Groups had been fully utilized and that it was time to integrate negotiations in the Plenary. He considered that the organization of the second part of the fifth session should be centred on the Plenary, that the Working Groups should be held in suspense and that transparent informal consultations should be held as needed under his authority. He would make detailed proposals on negotiating modalities at the start of the second part of the session.

60. Statements evaluating the progress of work in the Committee and commenting on the Revised Text were made by representatives of seven States, including one on behalf of the Group of 77 and China, one on behalf of the States members of the Alliance of Small Island States participating in the session and a third on behalf of the European Economic Community and its member States.

VI. ADOPTION OF THE REPORT

61. At the 4th plenary meeting on 28 February, the Vice-Chairman, Mr. Ion Draghici, in his capacity as Rapporteur, introduced the draft report (A/AC.237/L.12).

62. The Chairman conducted a reading of the draft report, section by section, during which oral amendments were introduced.

63. The Committee adopted the draft report as amended, authorizing the Rapporteur to reflect therein the proceedings of the 4th plenary meeting and to make any necessary editorial changes.

VII. SUSPENSION OF THE SESSION

64. At the end of the 4th plenary meeting, on 28 February, the Chairman declared the first part of the fifth session of the Committee suspended.

ANNEX I

List of documents before the Committee at its fifth session

Documents for the session

A/AC.237/15 and Corr.1	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its fourth session, held at Geneva, from 9 to 20 December 1991
A/AC.237/16	Provisional agenda and annotations, including suggestions for the organization of work
A/AC.237/17	Review of extrabudgetary funds
A/AC.237/Misc.1/Add.16	Proposal by the Netherlands: set of informal papers provided by delegations, including "non-papers", related to the preparation of a framework convention on climate change
A/AC.237/Misc.1/Add.17	Proposal for a set of definitions by Vanuatu on behalf of the States members of the Alliance of Small Island States participating in the session
A/AC.237/Misc.14/Rev.1	Definitions: Note by the secretariat
A/AC.237/Misc.18 and Add.1	Technical review of consolidated working document
A/AC.237/Misc.19	Provisional list of participants
A/AC.237/Misc.19/Rev.1	Revised provisional list of participants
A/AC.237/WG.I/L.7 and Corr.1 and 2	Algeria and other States: proposal on the entire section on commitments
A/AC.237/WG.I/L.8	Joint statement of the Group of 77 at the fourth session of the Intergovernmental Negotiating Committee
A/AC.237/WG.I/L.9 and Corr.1	Statement on commitments submitted by the delegation of Vanuatu, on behalf of the States members of the Alliance of Small Island States participating in the fourth session of the Committee
A/AC.237/WG.I/L.10 and Corr.1	Afghanistan and other States: proposed amendments to the text of A/AC.237/WG.I/L.7

INC/FCCC/None No. 37 Symposium on Climate Change and the Future of Small Island States and Low-lying Coastal Developing Countries, held on 14 February 1992 at United Nations Headquarters

* * *

Available for reference purposes

General Assembly resolutions

46/169 Protection of global climate for present and future generations of mankind (19 December 1991)

45/212 Protection of global climate for present and future generations of mankind (21 December 1990)

ANNEX II

Revised Text under negotiation

Note by the secretariat

1. The Revised Text has been prepared by the secretariat under the guidance of the Chairman of the Committee and the Co-Chairmen of the Working Groups. It assembles texts that are, in their view, indicative of the state of negotiation in the two Working Groups at the end of the first part of the fifth session. The Revised Text is based, inter alia, upon the Consolidated Working Document contained in Annex II to document A/AC.237/15 and reflects the work on that document during the first part of the fifth session. It is intended to facilitate completion of work on the framework convention.

2. The Revised Text was originally issued as document A/AC.237/Misc.20. The present Annex is an edited version thereof. A few substantive modifications requested by delegations at or after the final plenary meeting on 28 February were approved by the Co-Chairmen and have consequently been included.

3. The Revised Text is presented here as a series of Articles, numbered consecutively, to bring it closer to the form of a convention. This has been done without changing the order or the placement of its elements. The final structure and presentation of the convention will have to be adopted by the Committee.

4. In the Articles on Definitions, Principles and Commitments, paragraphs and subparagraphs identified with an asterisk are those that were introduced into the Working Group by an individual delegation, by a group of delegations or by the Co-Chairmen but not subsequently fully discussed in the Working Group as a whole. The Preamble and paragraphs 1, 6, 7 and 11 of Article 2 on Principles, were not discussed at all by Working Group I during the first part of the fifth session and these have been identified by double asterisks.

5. Subheadings, intended to facilitate the identification of texts, have been retained in Articles 5 to 27, emanating from Working Group II, and in the Annexes. The Committee will have to decide whether any such subheading should be kept in the final text.

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PREAMBLE**

The Parties to this Convention,

1. Acknowledging that [adverse] change in the Earth's climate is a common concern of humankind since a sustainable climate is an essential condition that helps to sustain life,

2. Concerned that [net] emissions resulting from human activities are substantially increasing the atmospheric concentrations of greenhouse gases, and that these increases will enhance the greenhouse effect, resulting on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind, whilst noting that there are many uncertainties in predictions particularly with regard to the timing, magnitude and regional patterns of climate change,

3. Aware that the adverse effects of such [potential] climate change [and measures to mitigate it] could have [serious] social, economic and environmental consequences,

4. Acknowledging that the global nature of such climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response in accordance with [their respective responsibilities and capabilities]/[the means at their disposal and their capabilities] and their social and economic conditions,

5. Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972) and in particular principle 21 [which provides that "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction" [and accordingly that environmental considerations should not be used as a pretext for interference in the internal affairs of developing countries]],

6. Recalling also the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989 and 45/212 of 21 December 1990 on Protection of global climate for present and future generations of mankind,

7. Recalling further the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sealevel rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the Implementation of the Plan of Action to Combat Desertification,

8. Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

[9. Noting the significant contribution made towards combating activities that result in adverse effects on the Earth's climate by the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987 and adjusted and amended on 29 June 1990,]

10. Recognizing the need to strengthen international cooperation in addressing adverse effects of climate change [through the development within a global framework of appropriate policies [including the provision to developing countries of adequate, new and additional financial resources [based on assessed contributions by developed countries] and technology transfer on [preferential, concessional and non-commercial]/[fair and most favourable] terms], [the preparation of protocols on specific problems]/[the consideration of additional related instruments as may be agreed] and by means of increased research into atmospheric, terrestrial and marine ecology sciences as well as into the social and economic impacts of climate change and related response strategies, systematic observations, cooperation on scientific, technical, economic and legal matters and exchange of information],

11. Conscious of the valuable work being conducted by many States on global climate change and of the important contributions of the World Meteorological Organization, organs, organizations and bodies of the United Nations system as well as other international and intergovernmental bodies for the exchange of results of scientific research and coordination of research,

12. Recognizing the need for [all] countries [with excessively high per capita rates of anthropogenic carbon dioxide emissions] to take immediate action in a flexible manner on the basis of [short, medium and long term]/[clear priorities, as a first step towards] comprehensive response strategies at the global, national and [, where agreed, regional] levels which take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect and recognizing also that strategies required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findi_s in these areas,

13. Aware of the role and importance of sinks and reservoirs in terrestrial and marine ecosystems, inter alia, in the absorption of greenhouse gases,

14. Recognizing that action to reduce emissions of greenhouse gases can also help in solving other environmental problems,

15. Affirming that response to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate needs of developing countries which have at this time as their main priority the achievement of sustained economic growth and the eradication of poverty, and that therefore the promotion of economic growth in developing countries is essential to address the problems related to climate change,

16. Recognizing that the improvement of the international economic environment, thus promoting the economic growth and sustainable social and economic development, of developing countries, is [essential]/[a prerequisite] for enabling developing countries to participate effectively in the international efforts to address climate change,

17. Recognizing that all countries, especially developing countries, need access to [all the] resources required to achieve sustainable social and economic development and that in order to progress towards that goal, [the energy consumption of developing countries must grow, taking into account the need for greater energy efficiency]/[net emissions of developing countries must grow],

18. Conscious that countries with low-lying coastal, arid and semi-arid areas or areas liable to drought and desertification, small island countries and countries with fragile mountainous ecosystems are particularly vulnerable to the potential adverse impacts of climate change and will therefore require special consideration under this Convention and its [subsequent protocols]/[related legal instruments],

[19. Acknowledging the specific transitional difficulties of those countries, particularly developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions and that these difficulties will need to be recognized in the development of protocols under this Convention,]

20. Bearing in mind the importance of integrating environmental concerns and considerations into policies and programmes in all countries [without introducing any form of conditionality in aid or development financing or constituting a pretext for devising new barriers to trade],

[21. Recognizing that climate policies should be as cost-effective as possible in order to ensure maximum benefits from measures undertaken,]

22. Determined to protect the atmosphere for present and future generations [on the basis of inter-generational as well as intra-generational equity],

Have agreed as follows:

ARTICLE 1

DEFINITIONS

[For the purposes of this Convention:

[I. First Set]

"Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change, which have significant deleterious effects on the composition, resilience and productivity of natural and managed ecosystems or on the operations of socio-economic systems or on human health and welfare.

["Afforestation"* means forest stands established [artificially] [on land which previously did not carry forest.]]

"Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

"Climate system" means the totality of the atmosphere, hydrosphere, including cryosphere, oceans and all seas, biosphere and geosphere and their interactions.

["Deforestation"* means change of land use or depletion of crown cover to less than 10 per cent.]

"Emissions" means the release of greenhouse gases into the atmosphere [over a specified area and period of time.]

["Forest"* means an ecological system with a minimum of 10 per cent crown cover of trees and/or bamboos, generally associated with wild flora, fauna, and natural soil conditions, and not subject to agricultural practices.]

["Forest"* means an ecological system in which biomass predominates, associated with wild flora, fauna and natural soil conditions, and not subject to seasonal cropping practices].

["Forest degradation"* means changes within the forest class which negatively affect the stand or site and, in particular, lower the production capacity].

"Greenhouse gases" 1/ means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation, [excluding gases already controlled by other conventions].

["Net emissions" means the difference between the amount of a greenhouse gas released to and the amount removed from the atmosphere by all sources and all sinks, respectively, as created or modified by anthropogenic activities, taken over a specified area and period of time, as calculated by agreed criteria.]

["Net emissions"* means increase in the cumulative atmospheric concentrations of greenhouse gases resulting from anthropogenic activity, depending on the size of the increase in concentration of each greenhouse gas, the radiative property of the gas involved, the length of time the gas is likely to remain in the atmosphere and the concentration of greenhouse gases already present in the atmosphere, calculated by determining their sources and mechanisms for their eventual removal from the atmosphere (their man-made and natural sinks on a global scale)].

"Precursors" 1/ means gases which react chemically in the atmosphere to produce greenhouse gases or which affect the lifetime of greenhouse gases in the atmosphere.

[["Reforestation" means the establishment of forest stands [artificially] on land which carried forest within the previous 50 [100] years [or within living memory and involving the replacement of the previous crop by a new and essentially different crop.]]

["Renewable energy" means energy derived from the harnessing of active natural energy flows such as solar, wind, hydrological, biomass, wave and tidal action and ocean thermal energy conversion.]

"Reservoir" means a storage medium for greenhouse gases.

["Sink" means any process or activity which contributes to the removal of a greenhouse gas or the precursor of a greenhouse gas from the atmosphere.]

["Sink"* means a mechanism, natural or man-made, for the removal of greenhouse gases and aerosols from the atmosphere].

1/ [The drafting group notes that the term "greenhouse gases" is used in some places in the Convention to mean "greenhouse gases" only and at other places to mean "greenhouse gases and their precursors". From the point of view of drafting, the group recommends that the terms "greenhouse gases" and "precursors" should be defined in article 1 as proposed above and that the Convention should use the expressions "greenhouse gases" and "greenhouse gases and their precursors" as necessary throughout the text.]

"Source" means any process or activity which releases [or contributes to the release of] a greenhouse gas or a precursor of a greenhouse gas to the atmosphere.

[II. Second Set]

"Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.]]

Note:

1. Two additional items were introduced in Working Group II for inclusion in the list of definitions: "aerosols" and "clearing house". Another item introduced at the closing plenary for inclusion in the list of definitions was "global observing network".

2. IPCC will be asked to comment on the list of proposed definitions before the next session.

ARTICLE 2

[PRINCIPLES

1.** The right to development is an inalienable human right. All peoples have an equal right in matters relating to reasonable living standards. Economic development is the prerequisite for adopting measures to address climate change. The net emissions of developing countries must grow to meet their social and economic development needs.

2. All States have a duty to aim at sustainable development for the benefit of present and future generations. Protection of the global climate against human induced change should proceed in an integrated manner with economic development in the light of the specific conditions of each country, [[without prejudice to the socio-economic development of developing countries]. Measures to guard against man-made climate change should be integrated into all relevant national development programmes [taking into account that [evolving] environmental standards] valid for developed countries may have inappropriate and unwarranted social and economic costs in particular in developing countries [and countries with economies in transition]].

[3.* All States have an obligation to protect the [global] climate system for the benefit of present and future generations of humankind on the basis of [intergenerational as well as intragenerational] equity, and in accordance with [their]/[developed and developing countries] common but differentiated responsibilities and capabilities [with a view to achieving convergence [of anthropogenic carbon dioxide emissions] at a common per capita level] and taking fully into account that the largest part of emissions of greenhouse gases has been originating from developed countries [and those countries have the main responsibility] [and should take the lead] in combating climate change and the adverse consequences thereof.]

[4. The Parties shall give full consideration to the specific needs and special circumstances of developing country Parties, especially those developing countries that are particularly vulnerable to the adverse consequences of climate change and also those developing countries which would have to bear a disproportionate or abnormal burden under the Convention.]

5. [Recognizing the need for] Parties to [the Convention shall] take [cost-effective] precautionary measures to anticipate [, prevent, attack] or minimize the causes of, and mitigate the adverse consequences of, climate change. [Where there are threats of serious or irreversible damage,] lack of full scientific certainty should not be used as a reason for postponing such measures.

6.** States shall promote an open and balanced multilateral trading system. Except on the basis of a decision by the Conference of the Parties which should be consistent with the GATT, no country or group of countries shall introduce barriers to trade on the basis of claims related to climate change.

7.** Measures taken to combat climate change should not introduce trade distortions inconsistent with the GATT or hinder the promotion of an open and multilateral trading system.

[8. Those [developed] countries [identified as] [[directly] responsible for causing damage to the environment through inducing climate change]/[which are mainly responsible for emissions of greenhouse gases into the atmosphere] should bear the responsibility for rectifying that damage [.[By openly demonstrating their direct responsibility or negligence, those countries]/[and] shall compensate for environmental damage suffered by other countries or individuals in other countries].]

[9. Climate policies should be cost-effective to ensure global benefits at lowest possible costs. To achieve this, climate policies should be comprehensive, include all relevant sources and sinks of greenhouse gases, comprise all economic sectors, [include both limitation and adaptation measures] and may be implemented in cooperation with other Parties.]

10.* In all fields related to the protection of the climate system, the Parties shall respect and act in accordance with the principle of sovereignty of States, which is applicable in any area of international cooperation.

11.** The need to improve the international economic environment for the developing countries and to promote their sustained economic development are prerequisites for enabling developing countries to participate effectively in the international efforts to protect the global environment including climate protection.]

ARTICLE 3

[OBJECTIVE

The ultimate objective of the Convention and any related legal instruments that might be agreed upon is to achieve, in accordance with the Principles set out in the above Articles, stabilization of greenhouse gas concentrations in the atmosphere at a level which would prevent dangerous anthropogenic interference with climate. Such a level should be reached within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to permit economic activity to develop in a sustainable and environmentally sound manner.

[The anthropogenic emissions of [all] greenhouse gases, particularly carbon dioxide, from States should converge at a common per capita level, taking into account net [carbon]/[greenhouse gas component] emissions during this century as well as the development needs of developing countries.]]

ARTICLE 4

COMMITMENTS

4.1. [General Commitments]

1. The Parties shall, in accordance with the Objective and Principles 2/ stated in the Convention, and particularly in accordance with their common but differentiated responsibilities, taking into account their specific national and regional development priorities, objectives and circumstances, commit themselves to:

(a) Develop, periodically update, publish and make available to the Conference of the Parties national inventories of sources and sinks of all greenhouse gases not controlled by the Montreal Protocol using comparable methodologies agreed upon by the Conference of the Parties;

(b) Formulate, implement, publish, and regularly update national and where appropriate regional [strategies and] programmes containing [nationally determined] measures [which the concerned Party or Parties consider necessary and economically feasible]

- to mitigate climate change [through [control]/[effective limitation] of their [net] emissions of greenhouse gases not controlled by the Montreal Protocol]

- to facilitate adequate adaptation to climate change

[subject in the case of developing countries to the provision of [agreed]/[full] incremental costs by developed country Parties];

[Report on the above paragraph if provided for in Article 14 on reporting]

(c) Promote and cooperate in [, and, as appropriate, adopt [policies and] practices related to] the development, application, and diffusion [, including transfer,] of [environmentally safe and sound,] innovative, efficient, state-of-the-art, lower or non-greenhouse gas emitting technologies, practices and processes 3/

2/ Pending a final decision by the Committee on the inclusion of a section on Principles.

3/ [Explanatory footnote (to appear in the explanation of the text, but not in the definitions): "lower or non-greenhouse gas technologies, processes and practices" include inter alia conservation, energy efficiency, low carbon fuels (e.g. natural gas, nuclear), and renewable energy sources [in addition to sustainable lifestyles.]]

in all sectors, [particularly energy [(including conservation, efficiency and low carbon sources)], transport, industry, agriculture, forestry and waste management], [subject to the provision of funding for developing countries of [agreed]/[full] incremental costs] [, and to the extent that the phenomena will not affect the economic growth of concerned Parties];

(d) Promote and cooperate in the conservation, sustainable management and enhancement, as appropriate, of all sinks and reservoirs of [all] greenhouse gases. [This includes sinks for greenhouse gases other than carbon dioxide in the atmosphere as well as sinks and reservoirs for greenhouse gases [in particular carbon dioxide], in all ecosystems, [in particular terrestrial and marine, with a view to increasing their capacity to act as sinks and reservoirs and promoting their overall health, and [adopt appropriate policies] and take measures [with the aim to elaborate policies] against the degradation of ecosystems, including [policies and] measures to combat drought and desertification [and] against deforestation and forest destruction, and programmes for afforestation and reforestation]], promotion and use of biomass [subject to, in the case of developing country Parties, their national development plans and programmes and the provision of [agreed]/[full] incremental costs involved];

(e) Cooperate in preparations for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture including emergency procedures, coastal zone response mechanisms and adaptation strategies in sectors such as land use planning, agriculture and fragile ecosystems and a global observing system; and undertake assessments of the resilience and adaptability of resources keeping in view the need for poverty eradication in developing countries, taking into account the special situation of least developed countries [on the basis of provision to developing countries of [agreed]/[full] incremental costs involved];

(f) Cooperate in preparing for adaptation to the impacts of climate change in order to support drought and desertification affected countries in their efforts to combat these phenomena and their effects;

(g) (i) Take climate change considerations into account, to the extent possible, in their relevant social, economic and environmental policies and actions;

(ii) Employ appropriate nationally formulated and determined methods, e.g. impact assessments, with a view to minimizing adverse effects of projects or measures taken by the Parties to mitigate or adapt to climate change, on the economy, public health, and quality of the environment;

(h) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and aiming to further the understanding and to reduce and clarify the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies, [in accordance with Article 5] 4/;

(i) Promote and cooperate in the full, open and timely exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and economic and social consequences of alternative response strategies, [in accordance with Article 6];

(j) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in the process, including by non-governmental organizations, [in accordance with Article 7];

[(k)*Develop, coordinate and, as appropriate, harmonize, [in order to avoid distortions to international trade and in accordance with the GATT], relevant economic and administrative instruments[.] [, such as subsidies, taxes and charges, as well as other relevant instruments] aimed at [limiting]/[controlling] net emissions of greenhouse gases;]

[(l)*Within their respective territories, identify [, [examine] and [phase out]/[estimate]] the effects of [government] policies and practices which [protect, subsidize or otherwise] encourage activities that lead to greater levels of emissions of greenhouse gases than [necessary]/[would otherwise occur].]

[4.2. Specific Commitments]

[4.2.1 Stabilization and Reduction of Emissions and Enhancement of Sinks and Reservoirs]*

(a) The developed country Parties [as defined in ...] shall adopt national 5/ policies and take corresponding measures on [mitigation of climate change]/[the limitation of anthropogenic emissions of greenhouse gases and the protection and enhancement of greenhouse gas sinks and reservoirs]. [These

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4/ Need to be coordinated with the procedure devised by Working Group II.

5/ This term would also cover policies adopted by regional economic integration organizations.

parties shall also assist other Parties in adopting similar policies and measures.] [These developed country policies and measures will [have the effect of]/[be aimed at], as a first step, stabilizing individually [or jointly] emissions of [carbon dioxide]/[the total of all greenhouse gases not covered by the Montreal Protocol 6/] [in general by the year 2000]/[as soon as feasible] at [or near] 1990 level], [taking into account the differences in their starting points and approaches and the need for equitable contributions of these Parties].

(Alternative to subpara. (a))*

The developed country Parties shall stabilize emissions of carbon dioxide and other greenhouse gases by 1995 at 1990 levels and thereafter progressively reduce emissions in pursuance of the Objective of the Convention.

(Further alternative to subpara. (a))*

The developed country Parties, as defined in ..., shall adopt national policies and take corresponding measures on the limitation of their net anthropogenic emissions of greenhouse gases. These Parties shall, as agreed in Articles 4.2.2 and 4.2.3 of this Convention, also provide the means to enable the other Parties to adopt necessary measures. These developed country policies and measures shall be aimed at, as a first step, stabilizing individually their net emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol by the year 2000, at the 1990 level, taking into account the differences in their starting points and approaches and the need for equitable contributions of these Parties.

[(b) In accordance with procedures and criteria based on the best available scientific knowledge and agreed to and regularly reviewed by the Conference of the Parties, [any Party which has demonstrated that the [net capacity of greenhouse gas sinks] [within its territory] has increased due to specific measures taken by it since [1990] may include a credit equal to this increase when calculating its emission level.]]

[(c) In accordance with procedures and criteria based on the best available scientific knowledge and agreed to and regularly reviewed by the Conference of the Parties, Parties may implement their [quantitative] commitments under para. (a) in a comprehensive manner that integrates [carbon dioxide and other] greenhouse gases not covered by the Montreal Protocol 6/.]

[(d) Parties undertaking [quantitative] commitments under para. (a) may implement these commitments in cooperation with each other, [provided that the criteria for cooperative arrangements [involving Parties falling under Article 4.3.(5)] are agreed to and regularly reviewed by the Conference of the

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6/ The relationship to the Montreal Protocol, in particular its reduction schedules, needs to be further clarified.

Parties 7/]. The terms of such cooperative arrangements shall be notified to the Conference of the Parties by each of the Parties concerned and described in detail in the report of these Parties in pursuance of Article 14. [The Parties may also implement measures to achieve [quantitative] commitments in cooperation with one or more other Parties, subject to criteria to be agreed to and regularly reviewed by the Conference of the Parties.]]

[(e) The Conference of the Parties shall [as early as possible and] not later than four years after the entry into force of the Convention review the adequacy and operation of subparas. (a)-(d), with a view to taking appropriate decisions on [reductions of anthropogenic emissions of carbon dioxide and other greenhouse gases and the enhancement of greenhouse gas sinks and reservoirs 8/, and such changes in the list of Parties to which specific commitments apply, that may be appropriate] in the light of new developments. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts as well as relevant technical, social and economic information. Such review shall thereafter take place at regular intervals, determined by the Conference of the Parties, until the objective of this Convention is met.]

(Alternative to subpara. (e))*

[Each developed country Party commits itself to progressively reduce its [net] anthropogenic emissions of carbon dioxide and other greenhouse gases, after 2000 A.D. They shall announce time-bound targets for such reduction not later than four years after the entry into force of this Convention.]

Alternative formulations proposed for Article 4.2.1*

subpara. (a)

line 2

limitation/stabilization

of anthropogenic emissions of greenhouse gases/their net emissions of greenhouse gases

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7/ The possibility of such cooperative arrangements has not been discussed with those Parties. The language of the second part of the sentence is therefore preliminary and will have to be considered further.

8/ The appropriate manner of obtaining the approval of Parties for such decision, whether by protocol or some other legal instrument, will have to be reviewed by legal experts.

lines 3 and 4

these Parties shall also assist other Parties in adopting similar policies and measures/these Parties shall as agreed in Articles 4.2.2 and 4.2.3 of this Convention also provide the means to enable the other Parties to adopt necessary measures

lines 4 and 5

develop country policies and measures will/shall

line 5

stabilizing/stabilizing and subsequently reducing

individually or jointly/individually

line 6

emissions of carbon dioxide/the total of all greenhouse gases not covered by the Montreal Protocol/emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol

line 7

by the year 2000/by the year 1995/as soon as feasible

subpara. (b)

line 1

best available scientific knowledge/proved scientific basis

subpara. (c)

line 1

best available scientific knowledge/proved scientific basis

line 3

carbon dioxide and other greenhouse gases/all greenhouse gases

subpara. (d)

line 7

one or more other Parties/developed and developing country Parties

subpara. (e)

line 2

subparas. (a)-(d)/of Article 4.2.1

line 3

insert "mitigation and adaptation to climate change" after on

line 6

best available scientific information/proved scientific basis

[4.2.2 Specific Commitments on Financial Resources]

Developed country Parties [may provide on a voluntary basis]/[shall commit to the fund established under this Convention, through assessed contributions, adequate, new and additional] financial resources, [separate from agreed Official Development Assistance (ODA) levels,] to meet the [full]/[agreed] incremental costs of developing country Parties, paying particular attention to the needs of least developed countries, [to be provided on a grant basis], [required to fulfil the commitments under]/[to take measures provided for in] this Convention [.]/[; to [cover the adaptation and mitigation costs to developing countries that would be needed as a result of]/[mitigate and adapt to] the adverse consequences of climate change, and the direct and indirect social and economic costs to developing countries that may result from the implementation of the Convention.] [Other Parties [and international organizations and other institutions] in a position to do so may [also contribute]/[provide contributions] on a voluntary basis.] 9/

[4.2.3 [Technology Cooperation]/[Transfer of Technology]]

The Parties shall make every effort to ensure efficient cooperation in and related to technology transfer. [All Parties, particularly] developed country Parties, shall take all practicable steps to [promote the] transfer [of] and [to provide] [assured] access to [environmentally safe and sound] technologies and know-how [on concessional, preferential and most favourable terms] to developing country Parties, paying particular attention to the needs of least developed countries, to enhance their ability to [implement]/[enable them to take measures under] this Convention. [The Parties shall identify and

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9/ Norway has proposed the insertion of the following text after "contributions" on line 2. [according to agreed principles on burden sharing]

France also proposed the insertion of the following text after the last sentence [contributions from other countries and organizations shall be encouraged.]

take appropriate steps to reduce or eliminate unjustifiable barriers to the transfer of technology.] [They should ensure that the [lack of] protection of intellectual property rights does not hinder such transfer.] In this process, the essential role of endogenous capacities and technologies in developing countries should be enhanced and supported by the developed country Parties.

4.2.4 [Title to be decided]

[(a) Developing country Parties shall [in accordance with the Objective and Principles stipulated in Articles 2 and 3 and in accordance with their national development plans, priorities, objectives and specific country conditions] [consider taking feasible]/[undertake] measures to mitigate climate change [through control of [their net] emissions of greenhouse gases [and maintenance and enhancement, where appropriate, of sinks and reservoirs]], [provided that the [agreed]/[full] incremental costs involved are met by the provision of [new, adequate and additional] financial resources from the developed country Parties].]

[(b) Compliance with this Convention by developing country Parties will be dependent upon the effective implementation of the provisions of this Convention on financial resources and transfer of technology.]

[4.3. Special Situations]

1. The Parties shall give full consideration to the specific needs, including for the transfer of technology and/or funding in accordance with the provisions of the Convention, of developing country Parties especially

(a) small island countries;

(b) countries with low-lying coastal areas;

(c) countries with arid and semi-arid areas and forested areas;

(d) countries with areas prone to natural disasters;

(e) countries with areas liable to drought and desertification and forest decay;

(f) countries with areas of high urban atmospheric pollution;

(g) countries with areas with fragile ecosystems including mountainous ecosystems;

(h) countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy intensive products; and

(i) land-locked and transit countries.

2. The Parties shall take full account of the specific needs and special situations of the least developed countries in their action with regard to funding and transfer of technology.

[3. The Parties shall develop and adopt a "green plan" with appropriate emergency measures and mechanisms for the protection and recovery of fragile ecosystems, particularly arid and semi-arid areas affected by drought and desertification in Africa, in order to limit their vulnerability to climate change.]

[4.* The Parties shall, in accordance with Articles ... 9/ take into consideration, in the implementation of the commitments of the Convention, and in the adoption of concrete measures, the situation of Parties, particularly developing country Parties, whose economies are highly dependent on the production and/or export of fossil fuels and associated energy intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.]

[5.* The Parties recognize that in the acceptance and the implementation of the commitments of the Convention, a certain degree of flexibility has to be given to countries with economies in transition, which are in the stage of transit from centrally planned system to market economy, to enhance their ability to cope with climate change.]

9/ Subject to the formulation of institutions and their functions (conference of the Parties, Implementation Committee, Disputes Settlement Procedures, etc.) to be drafted by Working Group II.

ARTICLE 5

SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL RESEARCH [AND DEVELOPMENT], SYSTEMATIC OBSERVATION AND COOPERATION

1. Each Party shall promote and cooperate in scientific, technological, technical, socio-economic and other research [and development], systematic observation and development of data archives related to the climate system and aiming to further the understanding and to reduce and clarify the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies [as elaborated in Annex 1].

Option 1

[2. Parties that do not have the indigenous capability to undertake research and development will be ensured assistance in these areas.]

Option 2

[2. The Parties shall take into account the particular concerns and needs of developing countries and [seek to promote the] [improve their] capacity and capability [of all Parties] to participate in these cooperative efforts.]

Option 3

[2. The Parties shall take into account the particular concerns and needs of developing countries.]

Option 4

[2. The Parties shall take into account the particular concerns and needs of developing countries and seek to improve their capacity and their capability to participate in these cooperative efforts. In doing so, the Parties shall work towards the improvement of the capability of developing countries to collect and assess climate information, prepare net emission inventories, assess possible impacts of global warming and the cost-effective response to it and participate in international research and development programmes and in the promotion of the development and transfer of environmentally safe technologies and technical as well as financial assistance.]

3. The Parties shall support international and intergovernmental efforts to strengthen the observational networks and data collection as well as scientific and technical research capacities particularly in developing countries [for timely exchange of relevant scientific and technological information. Special measures shall be implemented to promote access to data obtained from areas beyond national jurisdiction.]

4. The Parties shall also seek to minimize duplication of effort in research and systematic observation by utilizing, where possible, existing competent international and intergovernmental bodies.

ARTICLE 6

[EXCHANGE OF INFORMATION

In order to achieve the objective of the Convention, the Parties [shall] [may] facilitate and encourage, [taking into account the special circumstances of developing countries,] directly or [, as far as possible,] through [existing] competent international and intergovernmental organizations, full [, open] and timely exchange of relevant scientific, technological, technical, socio-economic and legal [available] information [as described in Annex ...]. [The Parties recognize that cooperation under this Annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets and protection of confidential and proprietary information.]]

ARTICLE 7

[EDUCATION, TRAINING AND PUBLIC AWARENESS

Promotion

1. In order to increase the understanding of climate change [and the uncertainties surrounding it] and to facilitate appropriate responses, the Parties shall promote education, training and public awareness related to climate change.

National

2. At the national [and/or regional] level and in accordance with [national laws and regulations] [the means] at their disposal, the Parties shall promote and facilitate:

(a) The development and implementation of education and public awareness programmes on climate change;

(b) Public access to information on climate change;

(c) Public participation in addressing climate change issues and developing appropriate responses; and

(d) Appropriate training of scientific, technical and managerial personnel.

International

3. At the international level, using existing organizations, institutions and channels where appropriate, the Parties shall cooperate in and promote:

(a) The development and exchange of educational and public awareness material on climate change; and

(b) The development and implementation of education and training programmes, including the exchange or secondment of personnel, in particular for developing countries.

[Alternative to paragraph 3(b)]

(b) The development and implementation of education and training programmes should be carried out by:

(i) Providing courses and skills particularly to developing countries in the developed countries' institutions in the short and medium term;

(ii) In the long term, assist developing countries to build such institutions on their own; and

(iii) Exchange or secondment of personnel to train experts in this field in the developing countries.]]

ARTICLE 8

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties shall keep under regular review the implementation of this Convention and any other related legal instruments that the Conference of the Parties may adopt, and make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:

(a) Periodically examine the obligations of the Parties and the institutional arrangements under this Convention, in light of the objective[s] of the Convention, the experience gained in its implementation and the evolution of scientific knowledge;

[(b) Consider the information submitted in accordance with Article 14 (Reporting) [to assess, inter alia,] [the implementation by the Parties of the Convention], the overall environmental, economic and social effects of the measures taken pursuant to the Convention and the extent to which the objective[s] of the Convention is being achieved;]

(c) Consider the reports submitted by its subsidiary bodies; [and perform the functions assigned to it under Articles [11] (Advisory Committee on Science) [10] (Advisory Committee on Implementation) [15] (Resolution of Questions)];

[(d) Examine the form of and intervals for submission of the reports referred to in subparagraphs (b) and (c);]

(e) Consider and adopt regular reports on progress in the implementation of the Convention and ensure their publication;

(f) [Provide policy direction and establish criteria [including priorities and selection of projects] for the functioning of the mechanism[s] for financial resources and transfer of [environmentally safe] technology];

Alternative to (f):

[Perform the functions assigned to it under Article 12. (Financial Mechanism), [13] (Insurance) and [Article ...] (Joint Implementation)];

(g) Perform the functions assigned to it by Article [15] (Resolution of Questions) [and Article [10] (Committee on Implementation)];

(h) Seek, where appropriate, the services and cooperation of, and utilize the information provided by, appropriate international organizations and intergovernmental [and non-governmental] bodies [with observer status];

(i) Promote the exchange of information on, and the coordination, as appropriate, of, policies, strategies and measures to address climate change, taking into account the differing circumstances [respective responsibilities] and capabilities of the Parties;

[(j) Seek to mobilize [new and additional] financial resources in accordance with Article [4.2.2.];]

(k) Promote public awareness of the climate change issue;

(l) Consider questions related to research [and development] and systematic observation; exchange of information; education, training and public awareness; scientific, [technological] and [technical] cooperation;

[(m) Consider questions [on cooperation related to transfer of technology] [and endogenous capacity building, in particular in developing countries;];]

(n) Establish such subsidiary bodies as are deemed necessary for the [implementation] [operation] of the Convention;

(o) Agree upon and adopt [, by consensus,] rules of procedure for itself and for any subsidiary bodies that are established by or under the Convention;

(p) Agree upon and adopt [, by consensus,] budgets and financial rules for itself and for any subsidiary bodies that are established by or under the Convention;

(q) Consider and adopt, as may be agreed in accordance with the relevant articles, amendments to this Convention, additional annexes and amendments of annexes to this Convention;

(r) Consider and adopt, as may be agreed in accordance with Article [18] (Protocols), any [protocol] [other related legal instruments] to this Convention;

(s) Make recommendations on any matters necessary for the implementation of the Convention; and

(t) Exercise such other functions as are conferred on it by this Convention [or as are required for the achievement of its objectives].

3. The rules of procedures referred to in paragraph 2(o) shall be adopted at the first meeting of the Conference of the Parties by consensus and shall include decision-making procedures for matters not already covered by decision-making procedures specified in this Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

Meetings

4. The first meeting of the Conference of the Parties shall be convened by the interim secretariat established under Article 9 not later than one year after entry into force of the Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at least every two years unless otherwise decided by the Conference.

5. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

Observers

Option 1

[6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State [member or observer of the UN or its specialized agencies] [and permanent observers to the UN] not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention that has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.]

Option 2

[6. The United Nations, its members and observers, specialized agencies, the International Atomic Energy Agency, as well as any state not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Other agencies that have informed the secretariat of their wish to be represented may be admitted in accordance with the rules of procedures.]

ARTICLE 9

SECRETARIAT

Establishment

1. A secretariat is hereby established.

Functions

2. The functions of the secretariat shall be:

(a) To arrange for and service meetings of the Conference of the Parties and its subsidiary bodies established under the Convention;

(b) To compile and transmit reports submitted to it;

[(c) To prepare reports on its activities and present them to the Conference of the Parties;]

[(d) To [cooperate] [assist the developing countries], upon request, in the compilation of national reports;]

(e) To ensure the necessary coordination with other relevant international [and intergovernmental] bodies and, in particular, to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(f) To perform the functions specified in this Convention or any other functions as may be determined by the Conference of the Parties.

Designation of interim secretariat

3. The secretariat functions will be carried out on an interim basis by the ad hoc secretariat until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to Article [8] (Conference of the Parties). At its first ordinary meeting the Conference of the Parties shall designate a secretariat.

ARTICLE 10

[IMPLEMENTATION COMMITTEE] [EXECUTIVE COUNCIL] [FUNCTIONS]

Option 1

[1. An [Implementation Committee] [Executive Council] is hereby established. It will be [open-ended] representing all the Parties [composed of fifteen members] [and elected by the Conference of the Parties by a majority of the Parties present and voting]. [The Conference of the Parties may increase this number without exceeding a quarter of the number of contracting Parties.] The members shall be government representatives who are experts on matters related to climate change.

2. The [Implementation Committee] [Executive Council] shall in particular:

(a) Ensure the implementation of the decisions of the Conference of the Parties, as instructed by the latter;

(b) Prepare, where appropriate, the deliberations of the Conference of the Parties;

(c) Oversee the dissemination of information to all Parties about measures taken by other Parties on the basis of [reports] [exchange of information] submitted in accordance with Article 14 (Reporting);

(d) Review the implementation by the Parties of their obligations and the progress made in this respect through an evaluation of their national reports submitted in accordance with Article 14 (Reporting). The Committee shall, inter alia:

(i) Advise individual Parties, at their request, on the ways and means of meeting the reporting requirements set forth in Articles 14 (Reporting), including the development of national climate change strategies;

(ii) Review and consult with individual Parties on the [report submitted by] [information received from] those Parties in accordance with Article 14 (Reporting) and request, as necessary, additional information or clarification thereon;

(iii) Seek, receive and consider relevant information from competent international and intergovernmental bodies and non-governmental organizations;

(iv) Consult with, and seek the advice of, the Advisory Committee on Science, as necessary;

(e) Seek to establish at each stage of the review process a close dialogue with the Parties concerned and to come to consensual solutions on questions that may arise;

(f) Carry out any other function the Conference of the Parties may confer on it; and

(g) Oversee and give additional guidance, within the framework of the decisions of the Conference of the Parties, to other subsidiary organs of the Convention [and especially to the financial mechanism of the Convention].

3. The [Implementation Committee] [Executive Council] shall, with the assistance of the secretariat, prepare an annual report on the [implementation] [overall operation] of the Convention and propose the measures it deems appropriate to the Conference of the Parties. This report shall be transmitted to all Parties by the secretariat and shall be published.

4. The first meeting of the [Committee/Council] shall be convened not more than six months after the first meeting of the Conference of the Parties. Unless the Conference of the Parties decides otherwise, subsequent meetings shall be convened at least twice a year.

5. The [Committee/Council] shall elect from among its members, a chairman and two vice-chairmen and a rapporteur, each to serve for a term of two years, and who may, subject to re-election, serve additional terms.

6. The [Committee/Council] shall agree upon and adopt its rules of procedure and any amendments thereto, by consensus.]

Option 2

[The Conference of the Parties shall, at its first meeting, establish a subsidiary body [or bodies] to assist it in preparing for its work under Article 8 [, particularly Article 8 (2)(b)]. Such body [or bodies] shall operate in an objective and consultative manner.

[Possible sentence on membership]

[Such bodies [or bodies] shall perform the following functions:

[(a) ensure the implementation of the decisions of the Conference of the Parties;]

[(b) prepare the deliberations of the Conference of the Parties;]

[(c) provide assistance to Parties, at their request, on meeting reporting requirements [from a technical point of view];]

[(d) consider individual reports [from an essentially technical point of view], in preparation for the work of the Conference of the Parties under Article 8 [2(b)];]

[To this end, it shall:

[(i) consult, if necessary, with a Party, to give it an opportunity to make [technical] clarifications;]

[(ii) determine whether a report has been submitted, and whether the report is complete;]

[(iii) consider whether the estimated [net] greenhouse gas emissions reductions have been or would be realized as a result of the identified measures;]

[(iv) consider whether methodologies used are technically valid;]

[(v) consider whether, if proposed projects have been identified, they would be likely to achieve estimated [net] greenhouse gas emissions reductions;]

[(vi) prepare a report of a descriptive nature for the Conference of the Parties on the above, which might include suggestions and which shall include evaluation of overall effects of measures taken pursuant to the Convention;]]

[(e) seek, receive and consider, as necessary, relevant information from competent international and intergovernmental bodies and non-governmental organizations;]

[(f) consult with and seek the advice of other subsidiary bodies, as necessary;]

[(g) perform the functions assigned to it under Article 15 (Resolution of Questions);] [and Article 16 (Settlement of Disputes)] and

[(h) perform such other functions as may be assigned to it by the Conference of the Parties.]]

Option 3

[The Conference of the Parties [shall] [may] [at its first meeting,] establish [a subsidiary body [or bodies]] [a mechanism under its auspices] to assist it in preparing for its work [under Article 8] [, particularly Article 8 (2)(b)]. Such [body [or bodies]] [mechanism] shall operate in an [objective and] [consultative] manner [, in support of the Conference of the Parties in performing the functions spelled out in Article 8].

[Possible sentence on membership]

[Such body [or bodies]] [such a mechanism] shall perform the following functions:

[(a) ensure [the provisions of adequate, new and additional financial resources and transfer of technology on preferential and non-commercial terms for] the implementation of the decisions of the Conference of the Parties [by developing country Parties];]

[(b) prepare the deliberations of the Conference of the Parties] [, if necessary, and as decided by the Conference of the Parties by consensus];]

[(c) [provide] [ensure the provision of] assistance to Parties, at their request, on meeting [reporting] requirements [for information exchange] [from a technical point of view];]

[(d) consider [individual reports] [all information received] [the exchange of information] [from an essentially technical point of view] [, in preparation for the work of the Conference of the Parties under Article 8 [2(b)];]

[To this end, it shall:

[(i) consult, if necessary, with [a Party,] [, Parties] [on the preparation of the work of the Conference of the Parties] [to give it an opportunity to make [technical] clarifications];]

[(ii) determine whether a [report] [information] [from all Parties are received] [has been submitted, and whether the report is complete];]

[(iii) consider whether the estimated [net] greenhouse gas emissions reductions [by developed countries] [and developing countries] have been or would be realized as a result of the identified measures;]

[(iv) consider whether [methodologies used are technically valid] [technical support for the developing countries has been adequately rendered];]

[(v) consider whether [, if proposed projects have been identified, they would be likely to achieve estimated [net] greenhouse gas emissions reductions] [specific commitments are made by the [developed countries] [and developing countries];]

[(vi) prepare a report of a descriptive nature for the Conference of the Parties on the above, which might include suggestions and which shall include evaluation of [overall effects of measures taken pursuant to the Convention] [the fulfilment of the specific commitments by [developed countries] [and developing countries]];]

[(e) seek, receive and consider, as necessary, relevant information from competent international and intergovernmental bodies and non-governmental organizations;]

[(f) consult with and seek the advice of other subsidiary bodies, as necessary;]

[(g) perform [only] the functions assigned to it [under Article 15 (Resolution of Questions)] [and Article 16 (Settlement of Disputes)] [under this Convention];]

[(h) confirm to the Conference of the Parties that Parties have fulfilled their reporting and other commitments under this Convention and that, where appropriate, they are therefore eligible for funding under the Financial Mechanism;]

[(i) [ensure the adequate protection of intellectual property rights in all issues related to transfer of technology and information] [, taking into account the need for due flexibility in the protection of intellectual property rights for the fulfilment of the objectives of this Convention];] and

[(j) perform such other functions as may be assigned to it by the Conference of the Parties.]]

ARTICLE 11

[ADVISORY COMMITTEE ON SCIENCE] [AND TECHNOLOGY]
[CLIMATE PROTECTION AND DEVELOPMENT]

1. An [Advisory Committee on Science] [and Technology] [Science Mechanism] [under the auspices of the Conference of the Parties] is hereby established [, in pursuit of the objectives of the Convention].

2. The [Committee] [mechanism] shall provide the Conference of the Parties, [and as appropriate its other subsidiary bodies] with timely information [and advice] [on scientific aspects of this Convention], [including the fields of natural, [technological] physical [and] social [and economic] sciences, related to climate change including, [its impacts on ecosystems and relationship to development].

3. Alternative A

The [Committee] [Mechanism] shall comprise [x] [persons of recognized competence in relevant fields of expertise] [competent government representatives] [sitting in their individual capacity] [selected by the Conference of the Parties by methods to be decided at its first meeting] [on the basis of equitable/geographical [distribution] [representation]]. [The [Committee] [Mechanism] shall be open ended.]

[Its functions shall include [providing to the Conference of the Parties in terms most useful to it] [inter alia]:

(a) Regular [assessments] [interpretations] of [the state of scientific knowledge on sciences related to climate change drawn from] the reports of competent [interational, intergovernmental] [and non-governmental] scientific [bodies] [research] [related to climate change];

(b) [Updating best available knowledge on sciences related to climate change];

(c) Suggest priorities for scientific [programmes and] research and international cooperation, [and make recommendations on ways and means to support endogenous capacity building in developing countries] [in accordance with Article ...];

(d) Analyse [the impacts of and responses to] climate change [and their impacts] [on ecosystems and] [development];

(e) [Respond to questions raised by the Conference of the Parties in the fields within its mandate;] [on scientific aspects of the Convention];

[(f) Review from the scientific viewpoint the effects of measures taken in the implementaiton of the Convention;]

[(g) Identify innovative, efficient and state of the art technologies and know-how and advice on the ways and means to ensure transfer of such technology;]

[(h) Review the adequacy of international cooperation in research and development and make recommendations to the Conference of the Parties;] and

[(i) The Committee shall perform any other function to be conferred by the Conference of the Parties].]

Alternative B

[The functions, membership and operations of the [Committee] [Mechanism] shall [may be specified or modified] be decided by the Conference of the Parties [at its first meeting].]

Alternative C

[For the purposes of the Convention, the Advisory Committee shall take up responsibility for all functions so far carried out by the Intergovernmental Panel on Climate Change, which, upon the entry into force of this Convention, will be invited, by the Parties, to integrate the structure of the Convention, under the Advisory Committee. The Advisory Committee shall, besides incorporating the functions until now undertaken by the Intergovernmental Panel on Climate Change, provide regular assessments on questions related to developmental concerns and implications of the new regime for cooperation on climate change, as set forth in this Convention.]]

ARTICLE 12

[[ADMINISTRATIVE] [INDEPENDENT FUNDING] MECHANISM FOR FINANCIAL RESOURCES AND TECHNOLOGY TRANSFER] [INTERNATIONAL CLIMATE FUND]

Option 1 - Alternative A

[A mechanism for financial resources and the [transfer of technology] is hereby established. It shall include a [Climate Fund.] [It may also include other modalities for the provisions of financial resources under this Convention.] The Financial Mechanism/Fund shall operate under the authority of the Conference of the Parties.

The Parties shall establish appropriate arrangements for the administration of the financial and [the transfer of technology] mechanism/Fund. [The Executive Committee of the Parties/or another body designated by the Parties] shall, with the consent of the Conference of the Parties, develop and monitor the implementation of the specific operational policies [, including the selection of projects,] for the purposes of achieving the objectives of the Financial Mechanism/Fund. [The Financial Mechanism/Fund shall be administered as a Trust Fund by the Global Environmental Facility (GEF) of IBRD/UNDP/UNEP.]]

Option 1 - Alternative B

Establishment

[1. An [administrative] [independent funding] mechanism for [the administration] of the financial resources and the transfer of [safe and sound] technology, with a democratic and transparent system of governance, [and equitable participation by developed and developing countries] is hereby [established] [designated under the auspices of ...].]

[Possible Alternative Text

A financial mechanism is hereby established. The financial mechanism shall operate under the authority of the Conference of the Parties who shall decide on its overall policies. The Executive Committee of the Parties shall, with the consent of the Conference of the Parties, develop and monitor the implementation of the specific operational policies for the purpose of achieving the objectives of the financial mechanism.]

[Possible Additional Text

The financial mechanism shall include a Climate Fund which shall be administered as a Trust Fund by the Global Environment Facility of IBRD/UNDP/UNEP. The Climate Fund shall meet on a grant or concessional basis the agreed incremental costs of developing countries referred to in Article ...]

Functions

[2. The [administrative] mechanism for financial resources and [safe] technology transfer shall:

[(a) Be responsible for the administration of funds, including those funds related to the promotion of [preferential and non-commercial] transfer of [safe] technology, provided by the Parties for the fulfilment of the obligations of the Convention;]

(b) Be accountable to the Conference of the Parties for its allocation of the funds and for ensuring that the funding priorities and criteria established by the Conference of the Parties are adhered to in its financial activities;

(c) Be responsible for receiving assessed and other contributions, either financial or as otherwise provided by Parties and other bodies, in accordance with criteria set out by the Conference of the Parties;

(d) Establish appropriate accounting procedures to ensure that all assessments and contributions made to fulfil obligations of the Convention are properly recorded, credited and accounted for;

(e) Be responsible for facilitating the identification and selection of projects to support the efforts of Parties to [meet] [implement] their obligations [jointly] under this Convention;

Functions related to transfer of technology

[(f) Pursuant to the operational guidelines and policy direction of the Conference of the Parties, coordinate the appropriate procedures and take the necessary steps to promote, facilitate and enable the transfer of technology;]

[(g) Provide funding to purchase requisite technologies for the implementation of projects undertaken by developing country Parties under the mechanism set up by the International Climate Fund;]

[(h) Promote, and finance when necessary, the exchange of and access to technological information required by the Parties. The technological information should include inter alia, the environmentally sound and safe technologies including those that have been neglected or displaced, the technological options, trading conditions, implementation costs and technological security;]

[(i) Coordinate ways and means to develop long-term technological partnerships between the holders of environmentally sound technologies and potential users in Parties, particularly developing countries, taking into account their national objectives and policies;]

[(j) Organize, when requested by a recipient Party, or group of recipient Parties and on terms and conditions set out by such recipient countries, international competitive bidding to purchase requisite technologies for transfer to the requesting Parties;]

[(k) Provide requested support to a recipient Party or group of recipient Parties to assess the offers presented in international competitive bidding, to enable the requesting Parties to obtain the most favourable terms and conditions, including inter alia, in terms of price, transfer of know-how, high safety and environmental requirements, training, supply of spare parts, and maintenance;]

[(l) Ensure the development of endogenous capacity building in developing country Parties, including technologies in the public domain, in accordance with their development plans, objectives and priorities of these countries, through, inter alia, the supply of necessary equipment, expertise and facilities for research and development, and the training of scientific, technical, and managerial personnel;]

(m) Finance its operations from a fund, separate from its programme resources, established specifically to cover its administrative expenses;

(n) Provide annual reports to the Conference of the Parties on its operations and, inter alia, on evaluation and assessment of the effectiveness of its functions and, as required, information to the subsidiary bodies of the Conference of the Parties, in order that they can fulfil their mandates;

[(o) Administer the [joint implementation] [cooperative system of exchange] of [emissions commitments] [commitments on emissions [of greenhouse gases] and enhancement of all sinks] according to the terms of the Convention;]

[(p) Administer operations required of it by protocols to this Convention, and any other matters agreed on by the Conference of the Parties;] and

[(q) Explore ways and means to employ financial resources to promote the flexibility of intellectual property rights with a view to promoting the transfer of sound technology to developing countries.]]

Option 2

[1. The Parties hereby designate the Global Environment Facility (GEF) established and operated jointly by IBRD/UNDP/UNEP as the mechanism for the provision of financial resources to Parties in need of assistance in meeting agreed incremental costs of implementing this Convention.

2. The Conference of the Parties shall, in accordance with relevant rules of procedure, establish appropriate arrangements with the GEF to implement paragraph 1 above. Such arrangements shall include inter alia:

(a) modalities to promote the involvement of the Parties in the GEF [with a view to ensuring a transparent system of governance of the mechanism and a balanced representation of developed and developing country Parties]; 10/

(b) provision for the GEF in funding projects related to the convention to [comply with]/[consider] the [policy and] programme priorities and eligibility criteria established by the Conference of the Parties;

(c) provision for receipt by the GEF of requests from Parties in need of assistance in meeting agreed incremental costs of implementing this Convention;

(d) provision by the Conference of the Parties or its subsidiary bodies to the GEF of information that might promote the implementation of this Convention, including the establishment of cooperative linkages between the STAP and scientific and technical bodies established under this Convention;

(e) provision by the GEF of regular reports through the Convention Secretariat to the Conference of the Parties on its operations related to the implementation of this Convention, including projects selected; financial expenditures; current and anticipated funding reserves; the relationship between its operations related to the implementation of this Convention and other assistance it is providing in sectors relevant to climate change; and other information of interest to the Conference of the Parties;

(f) provision for the Conference of the Parties to request the GEF to reconsider a particular funding decision in the light of the criteria and priorities referred to in paragraph 2 (b);

10/ The portion in square brackets is not a legal text.

3. The Conference of the Parties shall periodically assess the operation of the GEF as the mechanism for the provision of financial resources related to the implementation of this Convention, with a view to modifying the arrangements under paragraph 2 as may be appropriate.

[4. Parties may also provide assistance related to the implementation of this Convention through bilateral or other multilateral channels. In this regard, interested Parties may meet, on an ad hoc basis, to consider whether any Party is interested in assisting another Party in the implementation of a proposed project the latter has identified in its national report. Parties may, as appropriate, invite representatives of multilateral financial institucions to such meetings for the purpose of providing them with an opportunity to consider projects for inclusion in their development assistance portfolios.]]

Option 3

Establishment

[1. An International Climate Fund is hereby established under the authority of the Conference of the Parties which shall decide on its overall policies and operations, in particular determining priorities, criteria and selection of projects and activities to be funded. It shall be distinct and independent from other funds and international financial institutions.

2. The mechanism for financial resources and transfer of technology set up under the International Climate Fund, shall be administered as follows:

Functions relating to financial resources

(a) Meet on a grant basis the full incremental costs of measures taken by developing country Parties to address climate change, in accordance with criteria to be developed by the Conference of the Parties;

(b) Cover the costs to developing country Parties of adaptation and mitigation measures that may be needed as a result of the adverse consequences of climate change and the direct and indirect social and economic costs to developing countries that may result from the implementation of the Convention;

(c) Be responsible for receiving assessed and other contributions, either financial or as otherwise provided by Parties and other bodies, in accordance with criteria set out by the Conference of the Parties;

(d) Establish appropriate accounting procedures to ensure that all assessments and contributions made to fulfil the obligations of the Convention are properly recorded, credited and accounted for;

(e) Be responsible for facilitating the identification and selection of projects and activities for supporting the efforts of the Parties to meet their obligations under this Convention;

(f) Finance the secretariat services of the Fund and related support costs;

(g) Provide an annual report to the Conference of the Parties on its operations and, as required, information to the subsidiary bodies of the Conference of the Parties, in order that they can fulfil their mandates; and

(h) Provide, in general, funding for projects and activities organized under this Article and in accordance with the provisions set out by this Convention.

Functions related to transfer of technology

(i) Pursuant to the operational guidelines and policy direction of the Conference of the Parties, coordinate the appropriate procedures and take the necessary steps to promote, facilitate and enable the transfer of technology;

(j) Provide funding to purchase requisite technologies for the implementation of projects undertaken by developing country Parties under the mechanism set up by the International Climate Fund;

(k) Promote, and finance when necessary, the exchange of and access to technological information required by the Parties. The technological information should include inter alia, the environmentally sound and safe technologies including those that have been neglected or displaced, the technolcgical options, trading conditions, implementation costs and technological security;

(l) Coordinate ways and means to develop long-term technological partnerships between the holders of environmentally sound technologies and potential users in Parties, particularly developing countries, taking into account their national objectives and policies;

(m) Organize, when requested by a recipient Party, or group of recipient Parties and on terms and conditions set out by such recipient countries, international competitive bidding to purchase requisite technologies for transfer to the requesting parties;

(n) Provide requested support to a recipient Party or group of recipient Parties to assess the offers presented in international competitive bidding, to enable the requesting parties to obtain the most favourable terms and conditions, including inter alia, in terms of

price, transfer of know-how, high safety and environmental requirements, training, supply of spare parts, and maintenance; and

(o) Ensure the development of endogenous capacity building in developing country Parties, including technologies in the public domain, in accordance with their development plans, objectives and priorities of these countries, through, inter alia, the supply of necessary equipment, expertise and facilities for research and development, and the training of scientific, technical, and managerial personnel.]

ARTICLE 13

[[INSURANCE] [SMALL ISLAND AND LOW-LYING STATES]

Option 1

[The Parties shall establish separate supplementary financial mechanisms to assist developing countries, particularly least developed countries, vulnerable [small island and low-lying] coastal developing countries [and developing countries with vulnerable mountain areas] [and countries suffering from desertification or drought] to prevent or mitigate the adverse consequences of sealevel rise [and drought and desertification] resulting from climate change, as specified in [Annex IV] (Insurance Mechanism).]

Option 2

[The Conference of the Parties shall consider what action is necessary under the Convention to meet the concerns of the most vulnerable small island and low-lying developing countries about the adverse consequences of sealevel rise.]

Option 3

[The Parties shall establish separate supplementary financial mechanism[s] to assist developing countries, particularly those most vulnerable among them, to counter, mitigate, and/or adapt to the adverse consequences of climate change. The details of such mechanism[s] shall be specified by the Conference of the Parties.]

Option 4

[The Conference of the Parties shall [at its first meeting] consider [the establishment of an insurance scheme] [what action is necessary] to meet the [concerns] [needs] of the Parties which are vulnerable small island or vulnerable low-lying coastal developing countries relating to the adverse consequences of sealevel rise.]]

ARTICLE 14

REPORTING

1. Each Party [shall], [in accordance with its capabilities,] prepare, submit and periodically update a report containing the information [set forth in Annex II] including the measures it is taking to implement the Convention. [For developing country Parties, the fulfilment of this obligation will be conditional on the availability of corresponding new and additional financial resources.] [The availability of financial resources from the financial mechanism shall be contingent upon the full implementation of this obligation.]

[2. Each Party shall submit an initial report within x years of entry into force of the Convention for it [, except that for each country defined as a developing country for the purposes of this Convention, an initial report shall be submitted within y years of the Convention coming into force for it,] and further that a least developed country may submit its first report within [z] years of the Convention coming into force for it [or within four years of receipt of financial resources from the fund established under this Convention, whichever is the later]. The frequency of subsequent reports for all Parties shall be determined by the Conference of the Parties. [For developing country Parties,] financial and technical [assistance] [cooperation] in the preparation of such reports shall [, if they so request,] be [provided through procedures developed under the provisions of Article 12] [determined by the financial mechanism identified in Article 12].

[3. The developing country Parties to this Convention shall be assisted in the preparation of the report. Such assistance will include both technical and financial assistance as well as the identification of the technical and financial needs associated with the implementation and review of such reports.]

[4. Any group of Parties may, subject to prior notification to the Conference of the Parties and any guidelines adopted by the Conference of the Parties, submit a single report in fulfilment of their obligation under paragraph 1 above, provided that such report includes information on each Party's fulfilment of its individual obligations.]

[5. The reports submitted by the Parties shall be transmitted by the secretariat, as soon as possible, to the Conference of the Parties [and to the (names of any subsidiary bodies concerned with the implementation).]

[6. Information contained in the reports, designated as confidential by the supplying Party in accordance with [Annex II] [criteria to be defined], shall not be disclosed by any of the bodies concerned with the reports. 11/

[7. Subject to the provisions of paragraph 5, and without prejudice to the ability of any Party to make public its report, the secretariat shall make, the reports submitted by Parties publicly available [at the time they are submitted to the Conference of the Parties] [at any time, after the Conference of the Parties has considered the report from the body in charge of implementation].]

[8. The manner in which reports would be prepared and their content, should [, subject to Annex II,] be determined by the individual Party.]

11/ It has been proposed that Annex II have the following introduction: "Nothing in this annex shall be interpreted as requiring Parties to disclose information relating to national defense."

One delegation requested that while certain essential information in the reports would be obligatory, some flexibility should be given with regard to other information.

ARTICLE 15

[RESOLUTION OF QUESTIONS REGARDING INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION

Process

[1. Questions relating to the [interpetation or] implementation of the Convention may be drawn to the attention of the Conference of the Parties by Parties [and by any subsidiary body established by or under the Convention]. Any Party concerned about another Party's implementation of its obligations under the Convention or about its own capacity to implement fully those obligations may notify its concern, through the secretariat, to the Conference of Parties. The Conference of Parties shall, in a timely fashion, consider any such question and promote its resolution. To that end it may, if it so decides, establish an [ad hoc] Panel of ... of its members] [or] [refer the issue to the Implementation Committee].]

Possible alternative paragraph 1

[1. Any Party concerned about another Party's [interpretation or] implementation of its obligations under the Convention or about its own capacity to implement fully those obligations may notify its concern, through the secretariat, to the Implementation Committee.]

2. The [ad hoc] Panel [Implementation Committee], when the Conference of the Parties decides to refer a question to it, shall, in considering the question before the next ordinary meeting of the Conference of the Parties:

(a) Invite the Party which has brought the question to the attention of the Conference of the Parties [Implementation Committee] and any other Party whose [interpretation or] implementation of the Convention is in question to attend meetings of the Panel [Implementation Committee] and take part in consultations with it;

(b) Provide the Party whose [interpretation or] implementation of the Convention is in question a full opportunity to inform the Panel [Implementation Committee] of its capacity to implement its obligations under the Convention and of its needs relevant to that issue;

(c) Consult, as it deems necessary, any subsidiary body established by or under the Convention and other expert bodies;

(d) Promote, as necessary, the enhancement of the capacity of the Party whose [interpretation or] implementation of the Convention is in question to implement fully its obligations under the Convention; and

(e) Report the results of its consultations, together with any recommendations, to the next ordinary meeting of the Conference of the Parties.

Consideration of Report

3. After considering the report of the [ad hoc] Panel [Implementation Committee], the Conference of the Parties may decide to adopt a recommendation or recommendations to promote the full implementation of the Convention and to further its objectives.

Voting

4. The Conference of the Parties shall make every effort to take decisions under this Article by consensus. If all efforts at consensus have been exhausted decisions shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting.

Additional Rules

5. The Conference of the Parties may in elaboration of the provisions of paragraph 2 of this Article, lay down additional rules relating to membership of [ad hoc] Panels, their meetings and procedures.

Relationship to Dispute Settlement (Article 16)

Option 1

6. If, after the expiry of ... months following the initial submission of any questions to the secretariat pursuant to paragraph 1 of this Article, any Party continues to have a concern relating to the [interpretation or] implementation by another Party of its obligations under the Convention, it shall be entitled to invoke the dispute settlement procedures, established by Article [16] (Settlement of Disputes) of the Convention.

Option 2

6. The provisions of this Article are without prejudice to the operation of Article [16] (Settlement of Disputes) of the Convention.]

ARTICLE 16

[SETTLEMENT OF DISPUTES

Negotiation and other peaceful means

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall, at the request of any one of them, seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

Choice of dispute settlement procedure

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary, that, in respect of any dispute concerning the interpretation in application of this Convention, it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice, and/or

(b) Arbitration in accordance with the procedure set out in Annex III.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure set out in Annex III.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the Arbitral Tribunal, unless the Parties to the dispute otherwise agree.

Additional provisions

Option 1

5. Subject to the operation of paragraph 2 above, if, after the expiry of twelve months following a request made under paragraph 1 above, the Parties concerned have not been able to settle their dispute through the means mentioned in that paragraph, the dispute shall be submitted, at the request of any of the Parties to it, to conciliation.

6. A conciliation commission shall be created upon the request of one of the Parties to the dispute. The commission shall be composed of an equal number of members appointed by each Party concerned and a chairman chosen jointly by the members appointed by each Party. The commission shall render a [final and] recommendatory award, which the Parties shall consider in good faith.

Option 2

5. A Party that has not made a declaration under paragraph 2 above or in respect of which a declaration is no longer in force shall be deemed to have accepted the competence of the Arbitral Tribunal.

6. If the Parties to any dispute have accepted the same means for the settlement of a dispute, the dispute may be submitted only to that procedure, unless the Parties otherwise agree. If, however, the Parties have not accepted the same means for the settlement of the dispute, or if they have accepted both means, the dispute may be submitted only to the Arbitral Tribunal, unless the Parties otherwise agree.

7. If, after the expiry of twelve months following a request made under paragraph 1 above, the Parties concerned have not been able to settle their dispute through the means mentioned in that paragraph, the dispute shall be submitted, at the request of any of the Parties to the dispute, for settlement in accordance with the procedure determined by the operation of paragraphs 5 and 6 above.

Related Legal Instruments

7./8. The provisions of this Article shall apply to any related legal instrument which the Conference of Parties may adopt, unless the instrument provides otherwise.]

ARTICLE 17

AMENDMENTS TO THE CONVENTION

Proposals

1. Any Party may propose amendments to this Convention.

Adoption of Amendments

2. Amendments to this Convention shall be adopted at [an ordinary] [or extraordinary] meeting of the Conference of the Parties. The text of any proposed amendment to this Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the Signatories to the Convention for information.

3. The Parties to the Convention shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall be adopted by a [two-thirds] [three-quarters] majority vote of such Parties present and voting at the meeting [whose [net] emissions of [greenhouse gases] [carbon dioxide] represent at least [xx per cent] [50 per cent] [75 per cent] [80 per cent] of estimated global [net] [carbon dioxide] [greenhouse gases] [emissions in the preceding [five] year[s]]. The amendment shall be submitted by the Depositary to all Parties for their ratification, acceptance or approval.

Voting

4. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Entry into Force of Amendments

5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 above, for those States having accepted the amendment, shall [, unless otherwise provided in the amending instrument itself,] enter into force on the ninetieth day after the date of receipt by the Depositary of notification of their ratification, acceptance or approval, by at least [two-thirds] [three-quarters] of the Parties to this Convention [and whose [net] emissions of greenhouse gases represent at least 80 per cent of [net] global emissions in the preceding year].

6. The amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of ratification, acceptance or approval of the amendments.

ARTICLE 18

[PROTOCOLS

Adoption

1. The Conference of the Parties may at any [ordinary] [or extraordinary] meeting adopt Protocols to this Convention [that are aimed at implementing the [comprehensive] purposes and principles established in the Convention, specifying [comprehensive] measures or obligations relating to [certain] [all] aspects of climate change]. [The Protocols shall be in conformity with the provisions of the Convention.]

Notification to the Parties

2. The text of any proposed Protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting.

Entry into Force

[3. The requirements for the entry into force of any Protocol shall be established by that instrument [and may include provisions regarding [accelerated] [differentiated] procedures for entry into force].]

Parties to a Protocol

4. Only Parties to the Convention may be Parties to a Protocol.

5. Decisions under any Protocol shall be taken only by the Parties to the Protocol concerned.]

ARTICLE 19

ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

Annexes as integral to the Convention

1. The Annexes to this Convention shall form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any Annexes thereto. [Such Annexes shall be restricted to [procedural, scientific, technical and administrative matters] [technical lists or forms of a scientific or technical character] [lists, forms and any other material of a descriptive nature only].]

Adoption of Additional Annexes to the Convention

2. [Additional] Annexes to the Convention shall be proposed and adopted according to the procedure set forth in Article [VII.3.] (Amendments to the Convention). [Such Annexes shall be restricted to [procedural, scientific, technical and administrative matters] [technical lists or forms of a scientific or technical character] [lists, forms and any other material of a descriptive nature only].]

Procedure for Entry into Force of Additional Annexes to the Convention

3. Annexes that have been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date on which the Depositary issues notices to such Parties of the adoption of the Annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the Annex. The Annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date of withdrawal of such notification has been received by the Depositary.

Procedure for Amendments to Annexes

4. The proposal, adoption and entry into force of amendments to Annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of Annexes to the Convention.

5. If an additional Annex or an amendment to an Annex involves an amendment to the Convention, the additional Annex or amended Annex shall not enter into force until such time as the amendment to this Convention enters into force.

ARTICLE 20

RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention [and which are present at the time the vote is taken]. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

ARTICLE 21

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of this Convention.

ARTICLE 23

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Regional Economic Integration Organizations

2. Any regional economic integration organization which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

Declarations of Competence

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

ARTICLE 24

ENTRY INTO FORCE

Entry into Force of the Convention:

1. This Convention shall enter into force on:

(Four options)

- Option 1:

  The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession.

- Option 2:

  The ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or regional economic integration organizations whose [net] emissions of greenhouse gases [carbon dioxide] represent [fifty per cent] [two thirds] [three quarters] of estimated total global net emissions in [year].

- Option 3:

  The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession by, and of ratification, acceptance, approval or accession by States or regional economic integration organizations whose [net] emissions of greenhouse gases [carbon dioxide] represent [one half] [two thirds] [three quarters] of estimated total global net emissions in [year].

- Option 4:

  The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession, or the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or regional economic integration organizations whose [net] emissions of greenhouse gases [carbon dioxide] represent [two thirds] [three quarters] of estimated total global net emissions in [year], whichever is the earlier.

Entry into Force for Parties Once Convention Already in Force

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession, [in accordance with paragraph 1] it shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

Regional Economic Integration Organizations

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of the organization.

ARTICLE 25

RESERVATIONS AND DECLARATIONS

1. [No] reservations may be made to this Convention.

Parties Not Precluded from Making Declarations

[2. Paragraph 1 above shall not, however, preclude a State or regional economic integration organization, when signing, ratifying, accepting, approving or acceding to this Convention, from making declarations or statements, provided that such declarations or statements do not purport to exclude or to modify the effects of the provisions of the Convention in their application to that State or regional economic integration organization.]

ARTICLE 26

WITHDRAWAL

Written Notification of Withdrawal from Convention

1. At any time after [three] [five] years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

Effective Date of Withdrawal

2. Any such withdrawal shall take effect upon expiry of [six months] [one year] from the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Withdrawal from Convention Considered as Withdrawal from Protocol

3. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

ARTICLE 27

AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at _____ this ____ day of _____ 19__.

[ANNEXES]

[ANNEX I

[RESEARCH [TECHNOLOGICAL] [[AND] DEVELOPMENT] AND SYSTEMATIC OBSERVATION] [TECHNOLOGICAL AND SCIENTIFIC RESEARCH AND SYSTEMATIC OBSERVATION]] 12/

[1. The Parties recognize that [the] major [scientific] [issues] [uncertainties] [[in the] state of knowledge] related to climate change [, and its relation to development,] are:]

[Possible alternative chapeau

The following areas are suggested for the purposes of Article [5], in the promotion of and cooperation in research, technological development and systematic observation relevant to climate change:]

(a) Understanding the interactions between changes in the climate system and the physical, chemical, biological, hydrological and geological processes and solar cycles in the atmosphere, oceans and land;

[(b) Documentation of the contemporary and historic changes in the Earth's climate through long-term systematic observations of the Earth's atmosphere, oceans, terrestrial and socio-economic systems;]

[(c) Developing models of the Earth's climate system and prediction of the magnitude and rate of future climate change in the global, regional and national scales, due to both natural processes and human activities;]

(d) Understanding the impacts of climate change [and the response to it] on ecosystems and social and economic systems; and

(e) Evaluating the methodologies for assessing options for mitigating and adapting to climate change, including consideration of [socio-economic] costs and benefits of such options [including opportunity costs of foregoing options].

[[2. [The Parties recognize the need to cooperate] [Indicative list of areas where cooperation] in conducting research [and development] and systematic observation [is needed], in accordance with Article [5] [, in such areas as]:]

12/ Same text as in A/AC.237/15, Annex II (Consolidated Working Document, Annex I).

(a) Systematic Observations. Long-term systematic observations of the Earth's atmosphere, oceans, seas, terrestrial and socio-economic systems on global and regional scales, including documenting the contemporary and historical changes in the Earth's environment using an integrated space, land and ocean based [global climate] observing system and relevant paleoenvironmental data. [Full use of existing weather and climate observing systems should be ensured.] Specifically there is a need for systematic observations to measure and/or estimate:

(i) atmospheric parameters, including,

- greenhouse gases, aerosols and their possible precursors;
- clouds, by type, amount, height, composition and optical properties;
- precipitation, evaporation and water vapour, temperature, wind and radiative fields.

(ii) oceanic parameters, including,

- ocean fluxes, particularly of heat and of greenhouse gases, aerosols, and their possible precursors between the ocean surface and atmosphere;
- sealevel, temperature, roughness, circulation, ice cover, chemical composition, biological activity and colour.

[(iii) coastal zone parameters, including,

- sealevel, temperature and other relevant meteorological and oceanographic parameters;
- parameters defining state and viability of coastal ecosystems, including coral and planktonic populations;
- parameters defining the quality and viability of human settlements.]

(iv) terrestrial parameters, including,

- fluxes of heat and of greenhouse gases, aerosols, and their possible precursors between ecosystems and the atmosphere;
- extent, state and productivity of managed and unmanaged ecosystems;
- physical surface characteristics, such as temperature, albedo, roughness, soil parameters, snow, ice, permafrost, glaciers, lake levels, and river discharge; and

- geodynamic, seismic and volcanic processes and their consequences.

(v) socio-economic parameters, including,

- [consumption patterns;]
- population dynamics;
- urban development;
- rural population;
- type, extent and variability of land use practices;
- economic variables including reserves of natural resources, incremental costs, debt problems, [commodity prices] and terms of trade;
- geographic characteristics of countries;
- technology and practices in energy, forestry, agriculture, transport, hydrology, and industry;
- human health.

(b) Process research. Research of the coupled physical, chemical, biological, [hydrological, geological,] economic and social processes that affect the Earth's climate system. There is a need for an improved understanding of the processes [and development of methodologies] governing:

(i) the sources and sinks of greenhouse gases, aerosols, and their possible precursors, which affect future atmospheric concentrations and the Earth's radiative balance, and how these may be influenced by climate change. Specifically:

- identification, quantification and development of an understanding of the processes that control oceanic, terrestrial, and atmospheric sources, sinks and reservoirs of anthropogenic and natural origin;
- quantitative estimation of radiative properties and lifetimes;
- improved indices that reflect the radiative forcing of greenhouse gases [, taking into account historical emissions];
- development and improvement of methodologies for national inventories of sources, sinks and reservoirs.

(ii) atmospheric cycling of [radiation,] heat and water, with emphasis on cloud formation, dissipation and radiative properties, which influence the response of the atmosphere to greenhouse forcing. Specifically, research on:

- the atmospheric distribution of water vapour, precipitation, and clouds;
- evaluating the radiative properties of clouds;
- evaluating the temporal variability of solar radiative input and atmospheric transmission;
- the evaluation and mapping of surface albedo.

(iii) oceans, which influence the patterns and rate of climate change. Specifically, studies to establish the mechanisms governing:

- ocean dynamics;
- the transport of heat and chemicals;
- exchanges of energy and chemicals with the atmosphere;
- interactions between the ocean and land;
- the role of biological processes in the cycling of carbon and sulphur and their response to anthropogenic activities;
- sealevel changes.

(iv) the role of terrestrial systems in hydrological and ecological processes, which affect regional climate change and water availability. Specifically, studies of the role of terrestrial geophysical and biological, hydrological processes in the cycling of energy, water and nutrients on land and exchange with the atmosphere, [the sealevel rise and rivers of fresh water] and their response to environmental changes.

(v) the cryosphere, particularly in polar regions, which affects global sealevel changes and regional climate change. Specifically, studies of:

- the mass balance of polar ice sheets and glaciers and their response to climate change;
- the role of sea ice in the atmosphere-ocean exchange of energy;

- the processes controlling snow accumulation, redistribution, and seasonal melting;

- the dynamics of permafrost systems.

[(vi) the biosphere and the oceans, including those of the Antarctica and the Arctic regions, as reservoirs or sinks, as well as ways and means of preserving and enhancing sinks and reservoirs and creating new ones.]

(vii) [economic and social] [development] processes, which contribute and react to climate change. Specifically, studies of how the climate system [influences and] is influenced by:

- [natural resource endowment;]

- economic growth, policies and practices;

- technology and practices in a wide range of sectors including energy, agriculture, forestry, transportation and industry; and

- social systems, policies and practices.

(c) Modelling and prediction. Prediction of the magnitude and rate of future climate change, including an identification and assessment of uncertainties, through the development and validation of integrated climate system models with enhanced [local and] regional [and national] resolution, social and economic models, and the links and feedbacks between climate change and social and economic processes [and development paths]. At a global [, and] regional [and national] scale, there is a need for [broadened and improved efforts related to]:

(i) [improved] representation within models of processes affecting climate;

(ii) evaluation of the predictability of climate;

(iii) comparison of model output with current observation, past records and transient climate parameters;

(iv) development of fully coupled climate models, which integrate the effects of changing atmospheric radiative properties with changes in physical, chemical, [and] biological [, hydrological, geological] processes [in solar cycles] and between the atmosphere, oceans and land, linked to social and economic models, and

(v) simulation of climate change based on different emission scenarios.

(d) Impact research. Research to [evaluate and to] develop methodologies for evaluating the local and regional [and national] impacts of climate change, and identifying the environmental, economic and social consequences. There is a need for an improved understanding of the impact of climate change on:

(i) natural terrestrial, aquatic and coastal ecosystems and resources. As a function of rate and magnitude of climate change, determining the sensitivity of:

- ecosystems (e.g., productivity, extent) to changes in temperature, hydrological system (e.g., groundwater, precipitation, soil moisture), atmospheric composition, and sealevel;

- changes in stability and composition in ecosystems; and

- the biological diversity of marine life [in the oceans] including shifts in marine organisms.

(ii) agriculture, forestry and fisheries. Conducting regional studies of the impacts of climate change on:

- potential productivity of crops;

- the vulnerability of major crops and their varieties;

- the abundance and distribution of fisheries;

- socio-economics of changed transport, storage processing and marketing conditions.

(iii) water resources. Examining, on a regional basis, effects of changes in the hydrological cycle on:

- provision of drinking, irrigation and industrial water supplies;

- impact on agriculture [and]

[- inland navigation;]

- combined effects of climate change and land use changes on water resources;

- drought and desertification.

(iv) coastal environment

- sealevel and temperature[s] [changes], and their subsequent regional impacts on geological and ecological processes, including coral and planktonic populations;

- the viability and quality of human settlements; and

- frequency and magnitude of marine disasters such as severe storms and storm surges and their impact on coastal structures.

(v) social systems and economics. Investigating the effects of changes in climate, weather, [and] sealevel [and temperature] on:

- disease vectors, viability of pathogens, nutrition and other factors relevant to human health;

- the viability and quality of land use, human settlements, the built environment and all other aspects contributing to the quality of life;

- the economic, social and cultural consequences for societies, especially for [vulnerable small island countries] [those particularly vulnerable].

(e) Research to develop [response measures, including development of technology for the] [methodologies on the] mitigation of, and adaptation to, climate change, including for:

(i) examining options for reducing sources and/or increasing sinks of greenhouse gases and their potential precursors

- from energy, industrial, commercial, domestic and transport sources through studies of:

  . technology options for low emission, high efficiency and alternative technologies, including biotechnology, biomass, wind and solar energy, and technologies for greenhouse gas fixation;

  . applicability, cost and social factors affecting use of conventional and newly developed technology options;

- from forestry and agriculture through studies of:

  . methods for reducing emissions and/or increasing sinks;

  . applicability, cost and social factors affecting use of lower emission or enhanced sink practices;

- from oceans through studies of methods, costs and consequences of increasing oceanic uptake;

- by utilizing economic and other policy instruments; and

- through education and public information techniques.

(ii) examining options for adapting to a changing climate of:

- natural terrestrial, aquatic and coastal ecosystems and resources;

- agriculture, forestry and fisheries;

- water resources;

- coastal environment; and

- social systems and economics.

(iii) Assessing the costs, benefits, and environmental and social consequences of mitigation and adaptation responses, including:

- as a function of the timing and magnitude of climate change;

- the direct and indirect links between responses and economic activity, [including eradication of poverty and trade]; and

- the distributional and other social implications of responses within and between countries and regions; and

- countries which are not in a position to use substitutes for fossil fuels or do not possess the flexibility to switch to non-fossil fuels.

(iv) Environmentally safe and sound technologies, practices and measures.]

[3. The Parties recognize the need to support existing international or intergovernmental programmes or organizations aiming at defining, conducting, assessing and/or financing research, development and systematic observation as described in paragraphs 1 and 2 of this Annex. In particular, the Parties acknowledge the following programmes and their subsidiary programmes, and organizations:

- Intergovernmental Panel on Climate Change (IPCC)

- World Climate Programme (WCP)

- International Geosphere-Biosphere Programme (IGBP).]]

[POSSIBLE ALTERNATIVE TEXT FOR ANNEX I

1. The Parties recognize that the major scientific issues related to climate change are:

(a) Understanding the interactions between changes in the climate system and the physical, chemical, biological, and geological processes in the atmosphere, oceans and land;

(b) Understanding the impacts of climate change on ecosystems and social and economic systems;

(c) Evaluating the methodologies for mitigating and adapting to climate change, including consideration of costs and benefits of such options.

To resolve these problems, the active participation of all countries is required.

2. The Parties recognize, in accordance with Article 5 (Research [and Development] and Systematic Observation), the need to cooperate in the establishment of a global climatic observation system in using and developing existing networks of measurement, transmission, processing and data storage. In particular, it is necessary to undertake systematic observations in order to measure directly or indirectly:

(a) Atmospheric parameters, including,

(i) greenhouse gases, aerosols and their possible precursors;

(ii) clouds, by type, amount, height, composition and optical properties;

(iii) precipitation, humidity, evaporation and water vapour, temperature, wind and radiative fields.

(b) Oceanic parameters, including,

(i) ocean fluxes, particularly of heat and of greenhouse gases, aerosols, and their possible precursors between the ocean surface and atmosphere;

(ii) sealevel, temperature, roughness, circulation, ice cover, chemical composition, biological activity and colour.

(c) Terrestrial parameters,

(i) fluxes of heat and of greenhouse gases, aerosols, and their possible precursors between ecosystems and the atmosphere;

(ii) extent, state and productivity of managed and unmanaged ecosystems;

(iii) physical characteristics, such as temperature, albedo, roughness, soil parameters, snow, ice, permafrost, glaciers, lakes and rivers.

(d) Socio-economic parameters, including,

(i) population dynamics;

(ii) urban development;

(iii) type, extent and variability of land use practices;

(iv) economic variables including reserves of natural resources, and geographic characteristics of countries;

(v) technology and practices in energy, forestry, agriculture, transport, hydrology, and industry;

(vi) human health.

3. The Parties, in accordance with Article 5 (Research [and Development] and Systematic Observation), recognize the need to cooperate in conducting research and development in such areas as:

(a) Process research. Research of the coupled physical, chemical, biological, geological, economic and social processes that affect the Earth's climate system. There is a need for an improved understanding of the processes and development of methodologies governing:

(i) the sources and sinks of greenhouse gases, aerosols, and their precursors, which affect atmospheric concentrations and the possible impact of a climate change;

(ii) atmospheric cycling of radiation, heat and water, with emphasis on cloud formation, dissipation and radiative properties, which influence the response of the atmosphere to greenhouse forcing;

(iii) oceans, which influence geographical distributions and the rate (pace) of the climate change;

(iv) the role of terrestrial systems in hydrological and ecological processes, which affect regional climate change and water availability;

(v) the cryosphere, particularly in polar regions, which affects global sealevel changes and regional climate change; and

(vi) economic and social processes, which contribute and react to climate change.

(b) Modelling and prediction. Prediction of the magnitude and rate of future climate change, including an assessment of uncertainties, through the development and validation of integrated climate system models with enhanced regional and national resolution, social and economic models, and the links and feedbacks between climate change and social and economic processes. At a global, regional and national scale, there is a need for:

(i) improved representation within models of processes affecting climate;

(ii) evaluation of the predictability of climate;

(iii) comparison of model output with current observation;

(iv) development of fully coupled climate models.

(c) Impacts. Evaluation of the local and regional impacts of climate change, and identifying the environmental, economic and social consequences. There is a need for an improved understanding of the impact of climate change on the following activities and fields:

(i) natural terrestrial, aquatic and coastal ecosystems and resources;

(ii) agriculture, forestry and fisheries;

(iii) water resources;

(iv) coastal environment;

(v) social systems and economics.

(d) Development of methods for mitigation and adaptation to climate change. In particular:

(i) examining options for reducing sources and/increasing sinks of greenhouse gases aerosols and their precursors;

(ii) examining options for adapting to climate changes;

(iii) development of technologies which are safe, rational and ecologically sound;

(iv) assessing the costs, benefits, and environmental and social consequences of mitigation and adaptation responses.

4. The Parties recognize the particular needs of the developing countries in the following areas:

(a) Observation and data analysis:

(i) it is necessary to help them to increase their capacity to observations and data analysis;

(ii) undertake systematic observations mentioned in subparagraphs (a) to (d) of paragraph 2;

(iii) exchange observations with other countries, especially on a regional basis;

(iv) process, locally and at a regional level, data in view to using it for their economic development and studying responses to mitigate and adapt themselves to climate change.

(b) Research and technological innovations:

The aim is simultaneously to, inter alia, promote sustainable development, reduce greenhouse gases emissions, increase the sinks and improve adaptive possibilities to climate changes. This concerns, in particular, the following sectors:

(i) agriculture (reduction of soil carbon emissions, adaptation to drought, limitation of desertification, etc.);

(ii) energy (promotion of bioenergy and other renewable energies, energy conservation etc.);

(iii) forestry (reduction of pressure for deforestation, promotion of forestry for food, stabilization of agriculture); and

(iv) coastal zones and fisheries.

To meet these objectives, developing countries should be able to increase the means spent for:

- training and research;

- technological innovations and research, in cooperation with industrialized or developing countries.]

[ANNEX II]

[REPORTING

1. Reports submitted pursuant to Article [14] (Reporting) [shall] [may] contain [, inter alia,] the following information:

[Each least developed country agrees to submit a national report including information on at least items (a) and (b) of paragraph 1.]

(a) Description of relevant national circumstances relating to climate change and, for developing countries, any particular difficulties faced by them;

(b) National inventories of sources and sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies agreed upon by the Conference of the Parties;

(c) Option 1 13/

[The measures it is taking to implement this Convention, including the fulfilment of any general or specific commitments, with respect to, inter alia; national [strategies and] programmes; mitigating and adapting to climate change; research and systematic observation; exchange of information; public awareness; financial resources and cooperation and related technology transfer;]

Option 2

[For developed country Parties,] [and developing country Parties] [measures] [national strategies] [policies] to mitigate and adapt to climate change [including a description of specific actions being taken or to be taken, with respect to each gas in each sector selected for action by the Party];

[Measures taken in fulfilment of the [obligations] [specific commitments] under the Convention, [with particular attention to [reductions of emissions, transfer of financial resources and technology] [energy efficiency and conservation, new [and renewable] energy sources,] [mitigating the adverse consequences of climate change] [protection and enhancement of] sinks, [land use and management,] coastal zone management, transportation and industrial processes [and agriculture];]

13/ This option would replace paragraphs (g), (i), (l) and (m).

[(d) Current projections for annual levels of sources and sinks of greenhouse gases and expected changes and trends taking into account measures and policies described under (c);]

[(e) Expected changes and trends in [net] emissions of [main] greenhouse gases [and sinks] [including estimates of the [net] effects of its actions on national [net] greenhouse gas emissions] [and sinks] [with particular reference to the achievement of any target established in the Convention];]

[(f) Parties undertaking specific commitments may include estimates of the costs of specific measures to meet commitments under the Convention, guided by a methodological framework they have agreed upon;]

[(g) Contributions to the financial and technology transfer mechanism;]

[(h) For developing country Parties, [projects for] [requirements of] transfer of technology and financial resources to mitigate and adapt to climate change, as well as estimated gross and incremental costs [of these projects] [to fulfil these requirements;]

(i) Option 1

[Effective measures in fulfilment of obligations and specific commitments relative to the provision of adequate, new and additional financial resources, and access to and transfer of environmentally sound technology on a preferential and non-commercial basis contributions to the financial mechanism of the Convention and description of programmes for technological cooperation;]

Option 2

[Effective measures in fulfilment of obligations and specific commitments relative to the provision of financial resources and cooperation on transfer of technology;]

[(j) Description of methodologies used in making its estimates in areas where there is no methodology agreed under the present Convention;]

[(k) Efforts [, as appropriate,] to coordinate and harmonize measures to avoid trade distortions;]

[(l) Relevant national research [and development] and systematic observation programmes and participation in international programmes;]

[(m) National [programmes] [measures] and international cooperation with regard to education, training and public awareness [and technology transfer];]

[(n) Efforts to implement [obligations] [specific commitments] jointly with another Party or Parties;] and

(o) Such other actions as are relevant to the achievement of the objective of the Convention.

2. Further, reports may, on a voluntary basis, identify proposed projects in need of investment including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects and an estimate of the costs and net greenhouse gas emission reduction associated therewith.

3. [A Party may designate [the following] [any] type[s] of information contained in its report as confidential[.][:]]

[Possible alternative chapeau

[A Party and the Advisory Committee on Implementation may agree that certain information contained in the report of that Party is confidential. Categories of confidential information include:]

[(a) Information that is directly related to the national defence [and security] of that Party;]

[(b) Information that is of a proprietary commercial nature;]

(c) Information the release of which would result [directly] in [significant] economic or commercial dislocation for that Party; or

[(d) Such other information as [the Party believes is confidential] [agreed upon] [thought necessary by the Party] [by the Party and the Advisory Committee on Implementation].]]]

[ANNEX III]

[ARBITRATION 14/

Article 1

Unless the Parties to a dispute otherwise agree, the arbitration referred to in Article [16] (Settlement of Disputes) of the Convention shall be conducted in accordance with the procedure set out in Articles 2 to 17 below.

Article 2

The claimant Party shall notify the secretariat of the reference of a dispute to arbitration pursuant to Article [16] (Settlement of Disputes) of the Convention. The notification shall state the subject-matter of the arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which is at issue. The secretariat shall forward the information thus received to all Parties to the Convention or to the protocol concerned.

Article 3

1. In disputes between two Parties, the Arbitral Tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator within two months of the notification referred to in Article 2 of this Annex and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the Tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his or her usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two Parties, Parties in the same interest shall appoint one member of the Tribunal jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 4

1. If the chairman of the Arbitral Tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General

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14/ Same text as in A/AC.237/15, Annex II (Consolidated Working Document, Annex IV).

of the United Nations shall, at the request of either Party, designate the chair within a further two months' period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of receipt of the notification referred to in article 2 of this Annex the other Party may inform the Secretary-General of the United Nations, who shall designate the other arbitrator within a further two months' period.

Article 5

The Arbitral Tribunal shall render its decision in accordance with international law, as well as the provisions of this Convention and any protocols concerned.

Article 6

Unless the Parties to the dispute otherwise agree, the Arbitral Tribunal shall determine its own procedure, ensuring that each Party has a full opportunity to be heard and to present its case.

Article 7

The Parties to the dispute shall facilitate the work of the Arbitral Tribunal and, in particular, using all means at their disposal, shall:

(a) provide it with all relevant documents, facilities and information; and

(b) enable it when necessary to call witnesses or experts and receive their evidence.

Article 8

The Parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the Arbitral Tribunal.

Article 9

Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the costs of the Tribunal shall be borne by the Parties to the dispute in equal shares. The Tribunal shall keep a record of all the costs, and shall furnish a final statement thereof to the Parties.

Article 10

Any Party to the Convention or, as the case may be, to a protocol thereto, that has an interest of a legal nature in the subject-matter of the dispute that may be affected by the decision in the case, may intervene in the proceedings with the consent of the Tribunal.

Article 11

The Tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12

Decisions both on procedure and substance of the Arbitral Tribunal shall be taken by a majority vote of its members.

Article 13

If one of the Parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, the other Party may request the Tribunal to continue the proceedings and to render its final decision. Absence of a Party or failure of a Party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the Arbitral Tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The Tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which shall not exceed a further five months.

Article 15

The final decision of the Arbitral Tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any members of the Tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The final decision shall be binding on the Parties to the dispute and without appeal unless the Parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the Parties to the dispute.

Article 17

Any controversy that may arise between the Parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either Party for decision to the Arbitral Tribunal which rendered it.]

[ANNEX IV]

[INSURANCE MECHANISM

1. The Parties recognize that:

(a) There should be established, as an integral part of the Convention, an International Climate Fund to finance measures to counter the adverse consequences of climate change, especially drought and desertification, and a separate International Insurance Pool (hereinafter referred to as "the Pool") to provide financial insurance against the consequences of sealevel rise;

(b) Revenue for the Pool should be drawn from mandatory sources, in particular developed country assessments;

(c) The financial resources of the Pool should be new, additional and adequate;

(d) The Pool should be under the control and direction of the Conference of the Parties; and

(e) The resources of the Pool should be used to compensate the most vulnerable small island and low-lying coastal developing countries for loss and damage resulting from sealevel rise.

2. The Parties further recognize that the formulation of a scheme for a Pool involves consideration of the following main questions:

- Methods of funding a Pool;

- Classification of the types of loss to be covered by the Pool;

- Criteria for establishing entitlement to claim against the Pool;

- Methods of evaluating loss resulting from sealevel rise; and

- Limitations on the amount of compensation payable by the Pool.

3. The Parties accordingly agree as follows:

(a) The financial burden of loss and damage suffered by the most vulnerable small island and low-lying developing countries (hereinafter referred to as "Group 1 countries") as a result of sealevel rise shall be distributed in an equitable manner amongst the industrialized developed countries (hereinafter referred to as "Group 2 countries") by means of a Pool;

(b) The Pool shall be funded by contributions levied on Group 2 countries;

(c) The administrating authority for the scheme (hereinafter referred to as "the Authority") shall be a body controlled on an equitable basis by the Group 1 and Group 2 countries within the framework of the Conference of the Parties;

(d) The contributions referred to in paragraph (b) shall be calculated according to a formula modelled on the 1963 Brussels Supplementary Convention on Third Party Liability in the Field of Nuclear Energy, as follows:

(i) as to 50 per cent, on the basis of the ratio between the gross national product at current prices of each Group 2 country and the total of the gross national products of all Group 2 countries in the year prior to the year in which the contribution was levied (hereinafter referred to as "the contribution year");

(ii) as to 50 per cent, on the basis of the ratio between the total emissions of carbon dioxide of each Group 2 country and the total carbon dioxide emissions of all Group 2 countries in the year prior to the contribution year;

(e) Ten years from the date on which the Convention enters into force the Group 2 countries shall contribute to the Pool an agreed percentage of the total of the gross national products of all Group 2 countries in the year prior to the contribution year, apportioned as in paragraph (d), provided that over the ten-year period the rate of global mean sealevel rise will have reached an agreed figure. If the rate of global mean sealevel rise has not reached the agreed figure by the end of the ten-year period, a review shall thereafter be carried out at five-yearly intervals and the obligation of the Group 2 countries to contribute to the Pool will not arise until the year following the review in which it is established to the satisfaction of the Authority that the rate of global mean sealevel rise has reached the agreed figure or that absolute global mean sealevel rise has reached an agreed figure;

(f) The insurance fund so constituted shall be invested by the Authority in interest bearing securities as determined by the Conference of the Parties;

(g) No right to claim against the Pool in respect of loss or damage in any area of a Group 1 country shall arise until:

(i) it shall have been established to the satisfaction of the Authority that the rate of global mean sealevel rise and the absolute level of global mean sealevel rise has reached agreed figures;

(ii) it shall have been established to the satisfaction of the Authority that the relative mean sealevel rise for any insured area in a Group 1 country has reached an agreed level above base levels determined for each area insured (such relative mean sealevel figures having been determined within ten years of the Convention coming into force); and

(iii) one year shall have elapsed from the date upon which the figures referred to in subparagraph (i) shall have been established as having been reached (that date plus one year being (hereinafter referred to as "the inception date")).

(h) In the first instance those areas of Group 1 countries which would be directly affected by sealevel rise to a level of an agreed number of centimetres above the base levels referred to in paragraph (g) (ii) shall be valued for insurance. Marketed assets shall be valued on the basis of gross domestic product for the insured area in question. Non-marketed interests shall be valued on the basis of formulae to be agreed;

(i) The insured values covered shall be negotiated between the Authority and the Government of each Group 1 country in accordance with valuation principles to be agreed. The same policy conditions shall be applicable to all Group 1 countries;

(j) All assets and interests intended to be insured under the scheme shall be listed by Group 1 countries for registration with the Authority. Records of assets and interests registered shall be kept up to date. Valuations of assets and interests registered for insurance shall be carried out in accordance with the agreed formulae and shall be assessed as soon as possible after the setting up of the Authority and in any event within ten years of the Convention coming into force. Revaluations shall be carried out periodically as appropriate;

(k) The first period of insurance shall commence on the inception date as defined in paragraph (g) (iii) and shall cover an agreed period following the inception date. Loss or damage occurring within the first and each following period of insurance, if accepted as a valid claim by the Authority, shall be paid out of the Pool as accumulated at the closing date of the period of insurance;

(l) If the funds in the Pool are insufficient to meet all valid claims, the claims shall be paid out on an equitable basis. If, after payment out of all valid claims in full, any surplus shall remain in the Pool, the surplus shall be carried over to the credit of the following insurance period;

(m) Prior to the closing date of the first period of insurance and of each subsequent period, the Conference of the Parties shall, after consultation with the Authority:

(i) Fix the length of the next period of insurance;

(ii) Estimate the probable extent of claims on the Pool during the next insurance period;

(iii) Determine the level of contributions to be levied on Group 2 countries sufficient to meet the estimated claims, after taking account of any surplus carried forward from the preceding period.

(n) Claims against the Pool in respect of insured assets and interests shall be dealt with by the Authority. The Authority shall investigate the cause of any claimed loss, prepare estimates, determine whether the claim comes within the terms of the insurance, evaluate the extent of loss and assess the amount of the claim recoverable by reference to the insured value of the asset or interest and any applicable limits;

(o) All assets in insured areas of Group 1 countries, whether commercially insured or not, shall in the first instance be valued for insurance, but no claims shall be accepted by the Pool in respect of property which at the time loss or damage occurs is insured commercially, whether by a private insurance company or otherwise;

(p) In assessing claims against the Pool, the Authority shall determine whether the loss or damage claimed could have been avoided or mitigated by measures which might reasonably have been taken at an earlier stage. In determining whether measures could or could not reasonably have been taken at an earlier stage, account shall be taken, amongst other things, of the availability of funds, both domestic and international, which would have enabled mitigating or preventative measures to have been taken, and the availability of commercial insurance on reasonable terms; and

(q) If differences of opinion arise between the Authority and the participating countries, every effort shall be made to negotiate a resolution, but if this is not achievable disputes shall be submitted to [an] [the] arbitration tribunal under [a special arbitration scheme] [the Convention].]